

**ZB# 94-34**

**Ira D. Conklin & Sons /  
IDC Soil Reclamation**

**9-1-98**

Prelim.

Sept. 26, 1994.

Need copy of:

① Need +

② Title Report +

③ Fees: ① 150.00 +

② 2924.00

④ Photographs.

Notice to Sentinel - 10/1/94

Public Hearing:

October 24, 1994.

Shunted - Area

Variances

Refund \$135.50  
due to Ap.

# 94-34 - ~~Canada Oil Corp.~~ <sup>SDC Soil Reclamation</sup>  
(S.D.C. Soil Reclamation) owner.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

OCT 6 14297  
19 94

Received of Duke Sommers, Loebe, Jaskis & Catania, PC \$ 20.00  
Twenty and 00 DOLLARS  
For Balance Variance List 100

DISTRIBUTION:

FUND	CODE	AMOUNT
CR 0037474	#	20.00

By Dorothy Hansen  
Town Clerk  
Title

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TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

OCT. 6 14298  
19 94

Received of Duke Sommers, Loebe, Jaskis & Catania, PC \$ 150.00  
One Hundred Fifty 00 DOLLARS  
For #94-34 ZBA Application Fee 100

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 9993		150.00

By Dorothy Hansen  
Town Clerk  
Title

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: FDC/Conklein

FILE # 94-34

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE		\$	
2ND PRELIM. MEETING - PER PAGE	10/24/94 - 13 pages	\$	<u>58.50</u>
3RD PRELIM. MEETING - PER PAGE	9/26/94 - 8 "	\$	<u>36.00</u>
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL . . . . .		\$	<u>94.50</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	35.00 - 9/26/94	\$	<u>35.00</u>
2ND PRELIM.	HRS.	35.00 - 10/24/94	\$	<u>35.00</u>
3RD PRELIM.	HRS.		\$	
PUBLIC HEARING	HRS.		\$	
PUBLIC HEARING	HRS.	(CONT'D)	\$	
TOTAL HRS.		@ \$	PER HR.	\$
			TOTAL . . . . .	\$ <u>70.00</u>

MISC. CHARGES:

\_\_\_\_\_ TOTAL . . . . . \$ 164.50

LESS ESCROW DEPOSIT . . . \$ 300.00  
 (ADDL. CHARGES DUE) . . . \$  
 REFUND TO APPLICANT DUE : \$ 135.50

(ZBA DISK#7-012192.FEE)

*Refund*



-----x  
In the Matter of the Application of

IRA D. CONKLIN & SONS/IDC SOIL  
RECLAMATION.

FORMAL DECISION  
GRANTING AREA  
VARIANCES

#94-34.  
-----x

WHEREAS, IRA D. CONKLIN & SONS, 92-94 Stewart Avenue, Newburgh, N. Y. 12550, has made application for a 15 ft. front yard and 39 ft. maximum building height variance for construction of soil processing and storage buildings located on River Road in a PI zone; and

WHEREAS, a public hearing was held on the 24th day of October, 1994 before the Zoning Board of Appeals at the Town Hall, New Windsor, N. Y.; and

WHEREAS, the applicant appeared by James R. Loeb, Esq., Gregory Shaw, P.E., Carl Monte, Landscape Architect, Philip Grealy, P.E. and Ira D. Conklin, III; and

WHEREAS, there were two spectators present for the hearing; and

WHEREAS, there were two letters from neighboring property owners received by the Zoning Board of Appeals; and

WHEREAS, one person in the audience spoke in favor of the application and no one spoke in opposition thereto or voiced any questions; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is in an industrial/commercial area zoned PI with some residential properties in the area mixed in.

(b) The property is presently improved by an abandoned, non-operating, oil storage and dispensing facility containing oil tanks and a terminal building with dispensing equipment.

(c) The applicant proposes to remove the items listed in (b) above and to erect two buildings on the site with landscaping improvements including various plantings and berms in accordance with plans and drawings displayed at the hearing.

(d) Letters were received from neighboring property owners and presented to the Board by the applicant and speaker, both letters said the project would be an improvement in the

area.

(e) Of the two buildings constructed, the large building would have a peaked roof which would be approximately 10 ft. higher than the height of the existing tanks at the peak of the roof but 14 ft. lower than the existing tanks at the eaves of the roof.

(f) Only a small triangular portion of the larger building would appear from the river above the landscaping after same is fully grown. This portion would be painted in a color to match and consistent with the existing background.

(g) The large building height is the minimum necessary to accommodate the loading and off-loading of tractor dump trucks of soil necessary to the operation of the facility.

(h) The noise of the facility would be wholly contained within the large building and no appreciable noise would escape into the neighborhood.

(i) The large building would be insulated so as to reduce the aforesaid noise.

(j) The small building is located closer to the front than allowed by the Zoning Local Law so as to permit space for the smooth and orderly movement of trucks to, from and at the site. It is so situated by the applicant in such a way as to permit adequate turn around and traveling space.

(k) If the front yard variance applied for said smaller building is granted, the building will be no closer to the existing roadway than are other structures in the neighborhood on that road.

(l) The proposed facility is for the processing of soil contaminated by hydrocarbons but will be constructed in such a way as to capture all emissions therefrom within the building and would not allow said contaminants into the soil by shielding the contaminated soil from the rain.

(m) Emissions and the leaching of contaminated soil are controlled by the NYS DEC for which permits are necessary to operate the facility and which is monitoring the action.

(n) The traffic will not be increased over present levels and beyond that which the roadway in front of the facility can handle.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. None of these variances will produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method which can produce the benefit sought except the granting of all of the variances

requested by the applicant.

3. The requested variances are substantial in relation to the town regulations, but nevertheless are warranted since the effect of the variances would only be to make the project consistent with the character of the surrounding neighborhood and district.

4. None of the variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulties in this matter are self-created since the applicant is proposing new construction. Nevertheless, the Board feels that the awarding of the variances are justified because construction of this project will make the property an addition to the neighborhood and will make it consistent with the present character and appearance of the neighborhood and zoning district.

6. It is the finding of this Board that the benefit to the applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that all variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

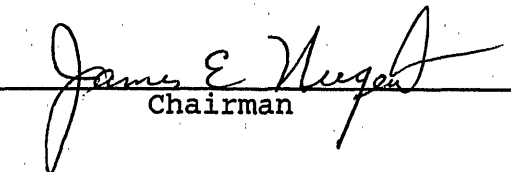
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT the variances requested in paragraphs "1" through "7" on page one of this decision, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 23, 1995.

  
Chairman

September 26, 1994

8 X 4.50 =  
36.00

13

I.D.C. SOIL RECLAMATION/CANADA OIL CORP.

MR. NUGENT: Request for 15 ft. front yard and 39 ft. maximum building height variance for construction of soil processing and storage building located on River Road in a PI Zone.

Gregory Shaw, P.E. of Shaw Engineering and Ira D. Conklin, III appeared before the board for this proposal.

MR. SHAW: With me tonight is Ira Conklin, III who's a principal in the I.D.C. Soil Reclamation venture. There's a little story with this project and maybe I can just take a step back and explain. In the earlier part of 1994, we made an application to the Town of New Windsor Planning Board for a soil processing facility for I.D.C. on the subject site. After a thorough environmental review, a public hearing and review by the Town's consultants, we received site plan approval, I believe it was probably in May or June of this year and with that is a copy of the approved site plan. We have given a little extra thought since this approval on the ultimate development of the site and what we're now proposing and we're going before the Planning Board for an amended site plan approval, not a new approval, is a construction of a new building on this site and that building is approximately 24,000 square feet in size. Cost to my client probably somewhere between three quarters of a million to a million dollars. With this amended site plan comes the variances. One variance is for a front yard setback for the new office building. With this being in the PI zone, we're required to provide 50 feet. We're providing 35 feet. And we're also requiring a building height variance, okay, permitted in this zone is 12 feet and we're proposing a maximum building height at the ridge of 51 feet. Now, you may think that is rather substantial but not in light of the existing site. What we have brought is a board showing photos of the site taken from different angles.

MR. NUGENT: The big building is 51 foot, not the office?

MR. SHAW: Correct, thank you. What I'd like to pass out is a sketch which was prepared by my office showing what's physically on the site now. There are two tanks that are indicated, both of which are 41 feet high and again in comparison to our structure which is 51 feet high at the ridge and these tanks are in closer proximity to the property lines than our building is going to be one tank which you'll note is 11 feet from the easterly lot line and the second tank is 23 feet from the northerly lot line.

MR. TORLEY: Would you mind pointing those out on the picture which one is which?

MR. CONKLIN: These two tanks right here.

MR. TORLEY: One is that is the northern line.

MR. CONKLIN: This one is the northern one actually this is the westerly one and this is the easterly one towards the river.

MR. LANGANKE: Did you say they were empty tanks?

MR. SHAW: Yes. Presently on the site I believe there is a total of seven tanks, the one in front of you which is an old sketch reflects five of the tanks being removed and two remaining. What we're proposing or maybe I can just take a step back and explain how this operation is going to be utilized. Vehicles will be coming in from River Road, primarily in the northerly direction. It would enter the site, come behind the rear of the building, it would queue in this area, it would be weighed, it would pull over in this area back up through the overhead door, okay, deposit the material. Then it would pull out, be weighed again and go down River Road in a southerly direction. I know one of the criteria that this board evaluates in every application is whether the variances are minimized and in this case, I can say they are. With respect to the building height, while 51 feet may sound a lot, we need that height to unload vehicles. The vehicles that will be coming in here, the trucks will have carriages in the back, probably 40 feet in length and when you lift them up to deposit a material, unfortunately, you need

that much headroom. So that is the reason, that is what sets the height of this building. With respect to the new office building, which will be adjacent to River Road, again, as I explained how the vehicles would move and queue and stage and leave the site, if we were to take this building and simply push it back 15 feet to eliminate the variance, there's not enough room for the movement of the trucks. We spend a good amount of time doing a circulation study within the site as to how these vehicles could stage, enter the building, leave and hit the scales all at the same time and this 15 feet becomes critical if it wasn't, we would not be asking for a variance. So with that, that is a brief overview. We've brought some boards which we'll be prepared to review at the public hearing next month. We plan on bringing before this board a noise and traffic consultant, a landscape architect, myself and an engineer who's familiar with the process to answer any questions which the board may have or the public. But again, we've already had one public hearing so I would think that the input at that point would probably be minimum because of that.

MR. TORLEY: One quick question, you may or may not know the answer to this, the transfer building up over in Newburgh for the dump, is that about the same size as what you're talking about far as height?

MR. CONKLIN: I'm not familiar with the building.

MR. TORLEY: The transfer station up near Stewart?

MR. CONKLIN: I would say--

MR. BABCOCK: The back of the building definitely.

MR. CONKLIN: I would say it's about the same.

MR. BABCOCK: The back of the building is two stories high, about that.

MR. SHAW: I want to point out this important to look at, this is a view from the river and again we'll get into detail but we plan on doing substantial planting and creating a berm between the building and river but

I may point out that we're 51 feet high at this point at the eaves we're 27, right, so for the most part, you can probably say 2/3 of the building is probably between somewhere between 30 and 35 feet in height. It's only 51 feet at the ridge line, unfortunately, with the zoning ordinance that determines building height so that is what we ask a variance on. Again, this is the architecture of the building which will be adjacent to River Road.

MR. KRIEGER: I'm familiar with it cause I've seen it in the Planning Board, the members of the board are adequately familiar with what they are going to do, the concept of why they are even bothering with this.

MR. NUGENT: I happen to know.

MR. KRIEGER: What they are going to do with this property it seems to me you may have gotten the cart before the horse there.

MR. NUGENT: Do you want to explain a little bit about the procedure so that the members know?

MR. BABCOCK: What's the use here?

MR. SHAW: That I'll turn it over to Ira who has firsthand knowledge of this operation.

MR. CONKLIN: I don't know if you know the background of our company. My grandfather started the company, my dad has run the company since the early 50's. We primarily replace underground storage tanks from gasoline stations, hospitals, schools for the fuel oil storage and in doing that work, we encounter contaminated soil with gasoline or hydrocarbons or fuel. We generate just from our own customers 30 thousand tons a year of soils. And three years ago, there was 11 landfills, there's one I think right now. There was two a couple months ago but that is closed, one landfill left, and what we do with this is to bring the soil in from a site, store it in the building, we take soil and thermally treat it, we heat the soil up to 450 degrees on the exit temperature. The emissions that go out, everything is controlled by the DEC. We

have standards we have to meet and criterias we have to meet. Carbon monoxide puts out 90 parts per million, this runs, machine runs between 27 and 32 parts per million so it puts out less COs than a car does. The process basically takes the good and bad out of the soil. So when the soil is cleaned, it won't grow grass and it won't have any hydrocarbons in it. If you leave it out in a field for a couple years, the natural germination will take over on the top couple inches and will start to grow grass again but it becomes inert or sterile when the soil comes out. So our customers have a need. Again, if a customer wants to landfill it, as you know, Catskill Landfill was taking a lot of material now they are experiencing gasolines and oils coming out in the leach aid system and they are going back to the people proportionately and charging back. So even though you brought the soil to them, you're still responsible for it. So everybody is being billed backwards accordingly so we're stopping that process.

MR. LANGANKE: Do you lose a lot of volume in this process and where are you going to go? Are you going to put it back into the landfill?

MR. CONKLIN: Soil can be used as clean fill. At the end of every day, we have Envirotec comes in and takes a sample of the soil. Even though we may pay them directly, the results go to the DEC. DEC gives us a 3 day turnaround and says okay, the material's good enough for fill needs to meet some criteria then it can go from there. Jack Devitt has an agreement with us for 300,000 yards for his fill and we have made arrangements to haul some soils to our properties we own so it is going to be for clean fill.

MR. LANGANKE: If you bring in like 80,000 pounds and you put it through your process, how much do you have left after the process?

MR. CONKLIN: You'll probably lose about 20 percent due to water weight. You still reintroduce water back into it to keep any dust down on it, but about 20 percent.

MR. LANGANKE: Does it have a uniform color or does that change according to what you bring in?



MR. CONKLIN: It all has pretty much is a uniform color from the soils we handle around here. What I will do at the public hearing, I'll bring a jar of the unprocessed and the processed. If anybody's riding around town sometime at Forge Hill Apartments right now we're burning throughout the State. We have a little bit more experience now than we did when we first went before the board. We've burned around 15,000 tons so far this year. We're going to burn about 300 tons down at Forge Hill so if you happen to be driving down there.

MR. LANGANKE: You have a mobile unit?

MR. CONKLIN: We have a mobile unit permitted throughout New York State and we have done probably 8 jobs or so so far.

MR. KRIEGER: Correct me if I am wrong. The mobile unit is the same unit as waht is going to be here?

MR. CONKLIN: Yes.

MR. KRIEGER: You'll be able to take it out on the job but the purpose of it is that a lot of work is here where they can bring the dirt to it, you can process it and have a place to store the clean dirt and more efficiently process it.

MR. CONKLIN: Correct. If you remember Vails Gate in Five Corners, there was a pile of dirt there forever and the site was too small to bring a plant in on that site and for the smaller customer with 100 tons or 200 tons or homeowner with 30 yards out of the leaky fuel oil tank, what I do, you can bring it down here and we'll take care of it down there.

MR. LANGANKE: Is that going to cut the costs of this operation? I understand what you're doing right now is pretty expensive and is this going to save people money?

MR. CONKLIN: It will not probably save money in the forefront but in long term, if the landfill comes back

to you 5 years from now and hits you with a bill for a couple thousand or a couple million, it will be a lot cheaper.

MR. TORLEY: There's no stack at this facility?

MR. CONKLIN: No, there's not.

MR. TORLEY: Are you intending to go to the railroad?

MR. CONKLIN: We don't have any, we would like to some day be able to do that but we have no plans right now to do that.

MR. LANGANKE: You said you heat the material to 450 degrees?

MR. CONKLIN: Right.

MR. LANGANKE: What temperatures do you use to get the material to that temperature?

MR. CONKLIN: Usually around anywhere between 600 to 800 degrees in the kiln and it's always at 1,500 degrees in the afterburn.

MR. TORLEY: Natural gas in the kiln?

MR. CONKLIN: Gas or diesel fuel. We're using diesel fuel because it's easier to get, we're going to talk to Central Hudson and they are going to run natural gas in.

MR. LANGANKE: I think it's a great idea.

MR. TORLEY: Improve the environment.

MR. KANE: That will improve the looks of the property down there.

MR. NUGENT: I'll accept a motion.

MR. LANGANKE: I make a motion we set I.D.C. up for a public hearing.

September 26, 1994

20

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

# LIGHTRON

OF CORNWALL, INC.

October 18, 1994

Planning Board  
Zoning Board of Appeals  
555 Union Avenue  
New Windsor, New York 12553

Gentlemen;

I am the principal in the entity owning property on River Road in the Town of New Windsor which is in the immediate vicinity of lands of IDC Soils Reclamation, Inc. I am familiar with the proposal to develop a soil reclamation project on those lands and I write this letter to express my support of that project.

Very truly yours,



Eugene Littman  
President of Littman Industries, Inc.

85496

MAILING ADDRESS  
P.O. BOX 4270, NEW WINDSOR, NY 12553-0270  
Tel. (914) 562-5500

PLANT AND SHIPPING ADDRESS  
65 RIVER ROAD, NEW WINDSOR, NY 12553  
FAX (914) 562-3082

13 = 58150

PUBLIC HEARING:

I.D.C. SOIL RECLAMATION/CANADA OIL CORP.

James Loeb, Esq. appeared before the board for this proposal.

MR. NUGENT: Request for 15 ft. front yard and 39 ft. maximum building height variance for construction of soil processing and storage building located on River Road in a PI zone.

MR. LOEB: Good evening my name is James Loeb from Drake, Sommer, Loeb Tarshis & Catania. I'm appearing this evening on behalf of Ira D. Conklin and Sons, Inc. and I.D.C. Soils Reclamation Inc. We are now the owners of the Canada Oil property which you see before you on the illustrative site plan. This land is on River Road in the Town of New Windsor. It appears on the tax map as section 9 block 1 lot 98 and the plan depicts approximately 2 1/2 acres of land. The property is in the Planned Industrial Zone. I.D.C. has applied to the New Windsor Planning Board for site plan approval to develop and operate a soil reclamation unit. That type of operation is permitted under the zoning law, subject to site plan approval. Last year, on April 27, 1994, earlier this year, I should say following a public hearing, the Planning Board granted site plan approval and in fact if you have been by the property, you'll note that the owner has started developing the site, cleaning it up and I think we'd all agree it looks quite a bit better. The plan that was approved was a good plan and one that we were ready to go to work on but this summer, we, I.D.C. decided that they could come up with even a better plan and the better plan is what we presented to the Planning Board. That better plan includes the development and the construction of a building, a structure on the site which you see in the center of the site plan and that structure would house the soil reclamation unit and the material that is coming on to the site. The original plan which has been approved did not include that building. The proposal to the Planning Board which shows the building we believe to be a better plan and as the application documents, we believe it meets all

of the requirements of the zoning law, except for this building which is why we are here for variances and we're here because the Planning Board sent us here. We have a building which is the office building which is the building which you see nearest River Road. That building is set back 50 feet at a minimum from the saved edge of pavement but 35 feet from the edge of the right-of-way so we're here asking for a 15 foot front yard setback variance. The building itself, the structure, it has a ridge line of 51 feet in height. And it has that ridge line, that height, because it's necessary to have a high building so that the trucks can pull in and so that they can, as you'll hear in a moment from the operation description, so that they can raise up and unload. And that means we need a higher building, at least at the ridge line. At the eaves, the building is 27 feet high so it is not one solid block of 51 feet high. The building as I said is where we're going to house the equipment and material and we believe that will make a substantial improvement in the noise attenuation. We demonstrate to the Planning Board and the Planning Board engineer worked with our sound engineer that our operations meet all of the sound limitations in the New Windsor code. By enclosing it in a building, we'll even do a better job. The building itself is not the same sort of solid mass that those old and somewhat eyesoreish tanks, all of which are down, save 2. Now, we're on the property and the site plan which will be reviewed both by Greg Shaw and our landscape architect, we believe will enhance the site. What we'd like to do is have the plan presented and the operation presented first by Ira D. Conklin, III, who's in charge of running the operation for the company, Greg Shaw, our design engineer, will go through the site plan with you, Philip J. Grealy, our licensed professional engineer, whose expertise is in traffic and noise, will review how we're handling attenuation of sounds and finally Carl Monte, who's a landscape architect, will review the visual aspects of the project, the type of plantings that we propose and how we believe we're effectively screening. I would like to present to the board two letters received from our neighbors. First our immediate neighbor, Afron Oil and our neighbor once removed from Afron Oil, Lightron of Cornwall, and as you'll see in each case, our

neighbors who are familiar with our plan have no objection, actually support the proposition that we're working on. I think if you have not been familiar with how soil reclamation works, you're going to be interested. This is the cutting edge of how we're going to attack some of our environmental problems today and tomorrow and in the future. And I think that is the first message that I bring.

MR. KRIEGER: May I ask Mr. Loeb a question first? Just for clarification, if I may, the 15 yard, the 15 foot front yard variance that is requested has to do with the smaller building, which is that depicted in green there and the height variance has to do with the larger building in the rear?

MR. LOEB: That is correct.

MR. KRIEGER: Thank you.

MR. TORLEY: If I may ask the indulgence, if we're finished looking this, maybe they can be turned around so the people in the audience can see.

MR. LOEB: Our landscape architect may refer to them later.

MR. TORLEY: We just want to get the feeling for what you're doing to clean up.

MR. CONKLIN: I'll go over a little background of our company. The company was started by my grandfather in 1937. Our primary business is the installation and removal of underground storage tanks. Up until about three years ago, I'm sorry, until 1987, the contaminated soil or dirt that was soaked with gasoline and oil wasn't really a concern to New York State until '87. The DEC came into play, actually started in '85 and then in '87, the law came in where the contaminated soil had to be trucked off site and at that time, it was being taken to landfills. The liability in the end of the leach aid or the gas that comes out and mixes with the leach aid in the landfills was causing the landfills to close down. We went from a high of 11 landfills down to right now there's one landfill left

that will accept any contaminated soil. What we decided to do for our customers for their liability is to thermally remediate the soil. We're doing it right now on site, we have a portable unit and basically what we're doing is more of like an asphalt plant in reverse, we heat heat soil up to 450 degrees, the volatiles come off the soil, go through a filtering system or a bag house and then through an afterburner at 1,500 degrees. The process takes around 7 minutes per ton that goes through the unit and the emissions that come out of this are about, a car puts out about 300 parts per million on the carbon monoxide, this unit puts out 32 parts on an average. Permit says we can put out to 100 parts per million, we're averaging 32 parts per million from New York State. We are approved now with the Town of New Windsor utilizing the tanks for storage of contaminated and clean soil will work however the weak link, as you know this summer, these thunder storms that would come up and just, you don't know if they are going to start or not. We have to dump on a concrete pad out in the weather and we don't want the leach aid, when the rain hits, to run out onto the ground and into, actually into it's in the contained area but so we would like everything under the building. And the trucks would come in off of River Road, go around the building, cone on to the scale number one, get weight in, loaded, back into the building, dumped right under the roof of the building, come back out weighed, unloaded and then leave the property. And that is pretty much our normal course of business. In an average year, we handle 30,000 tons just from our own customers of a contaminated soil. We feel this warrants this type of an operation.

MR. NUGENT: What are your hours of operation?

MR. CONKLIN: Hours of operation are, we'll accept soil Monday through Friday, 6 a.m. to 6 p.m.. We'll treat 16 hours a day and 6 days a week and we'd be closed on the holidays, I think there's 8 holidays.

MR. NUGENT: I think homeowners or landowners in the area would be concerned about your hours of operation, that is why I brought that up.



MR. CONKLIN: We have kind of set it up along with what the terminals are working down along that area right now.

MR. LOEB: Ira, there's only one other thought when you talked about contaminated soil, I'd like the record to be very clear of what type.

MR. CONKLIN: It's petroleum contaminated soil listed as regulated waste by New York State, which is non-hazardous, so is gasoline, kerosene, number two fuel diesel, number four oil, motor oil, there's no chemicals or there's no hazardous substances. It's a non-hazardous gasoline hydrocarbons.

MR. TORLEY: I asked at the earlier meeting if you can give me the large building, I know where you have trucks dumping is the transfer station up in Newburgh, can you give me some idea of relative scale of this building?

MR. CONKLIN: Existing tanks are 41 feet high. Now, as far as the height on them so at the peak of this building we'd be ten feet higher than those tanks but that will only be like a triangle in the center of that building that will be different from what's down there and in some of the tanks now that are there are the two that are left, especially the one closest to the river is around 12 feet from the property line where we're going to slide the building back. I don't know the exact measurement, 25 or 30 on the back corner of the, from this back corner to the--

MR. SHAW: 78 feet.

MR. LOEB: Greg, do you want to go through the site plan?

MR. SHAW: I'm sure most of you are familiar with this site. It is on the eastern side of River Road immediately south of Afron Fuel Oil presently and formerly on the site was 7 large fuel oil tanks, two structures, two entrances off of River Road and a drainage ditch along the northerly side of the property. As Mr. Loeb mentioned, there's been a

substantial effort placed in the demolition of the site and I believe presently only two storage tanks exist. The topo of the site as you move from River Road in an easterly direction is relatively flat. There's about a 4 foot elevation drop as you move to the easterly portion of the property. I might point out that this property is similar to many other properties along the Hudson where the parcel is both on the east and the west side of the Con Rail tracks. The total parcel area is approximately 4.5 acres. The parcel before you tonight is 2.5 acres, as Mr. Loeb pointed out. But the total parcel is in the area of 4.5 acres. What we're proposing tonight is the installation of three structures on this site. The first site as Mr. Loeb mentioned, there's a 1,200 square foot office building, adjacent to that is a truck scale for vehicles leaving the site, it is for this office building that we're requesting a 15 foot variance. I know we have an obligation to prove to this board that we have made every attempt to minimize the variance and the question may be raised as to why not push the building back a little bit further to River Road, why not 40 instead of 35 and I have to tell you that we spent a considerable amount of time queuing trucks from this area and determining as to how many movements are necessary once you bring in the material on scale number one, back into the building, exit the building and leave on scale number 2. While five feet may not sound a lot, it means an awful lot when you're driving a 55 foot long rig. We feel we have done everything we can to minimize that variance. The second structure is the soil processing building. Again, that is going to have the S.R.U. contained in it. The building height again is a function of the type of trucks that are going to be coming there. We're going to have dump trailers which extended will be approximately 40 feet in height. Obviously, you have to have a ceiling that high to accommodate those trucks. We have attempted to minimize the variance, we feel that is the least number of building height we can possibly live with. And final structure which is really called an accessory structure is the storage of the processed material. After it is incinerated, it is stored in these bins along the easterly side of the property. Other features of the site is that we have incorporated 13

parking spaces for employee parking, for visitor parking and for handicapped parking that will be along the southerly property line and a few parking spaces by the office building. We've made an extensive effort to visually enhance the site. Carl Monte, our landscape architect, will talk about that primarily along the Hudson and also from River Road and the northerly property line. That is a brief overview. I know there are other presenters that are going to come before you tonight so with that, Jim, I'll turn it over to Phil.

MR. LOEB: The main issue which the Planning Board was concerned about when we got site plan approval was the question of meeting the sound requirements, the noise levels in the New Windsor code. Philip Grealy, P.E. has a specialty in sound engineering and in traffic so his firm was retained and he will be dealing with those points, primarily with the question of noise.

MR. GREALY: Thank you, Jim, Philip Grealy, John Collins Engineers, Traffic and Transportation Engineers. Our firm was responsible for the preparation of both the traffic and noise evaluations for this site. Those studies were submitted to the Planning Board. They were prepared last February, submitted to the Planning Board, reviewed with the Planning Board and the Town Engineer and I'll give you a synopsis of those reports. The first report was prepared in February, 1994, there was a follow-up report in May of '94. The studies address both traffic and noise from a traffic standpoint. We've documented existing traffic volumes on River Road both by vehicle type, including number of trucks, cars, et cetera. The current traffic flow on River Road during peak hours and that would be primarily morning rush hours, evening rush hours range from 700 to 900 vehicles per hour. So we have a fairly heavy traffic corridor. Due to the uses along River Road, there are trucks in that traffic stream also and throughout the day. In terms of the additional traffic for this type of facility, is controlled by the amount of material that can be processed. In our report, we evaluated a peak condition where there could occur 12 vehicles at the site during a peak period. I think in the reports, the

total estimated on a daily basis in the order of 30 truck loads on a peak daily basis. In terms of the traffic flow, our study concluded that River Road could handle the volumes that they would operate at acceptable levels of service which are defined in the reports. The associated issue is the noise issue. And the reason I bring up the traffic volumes, numbers of what's on River Road, that that is the primary noise source out there today. The amount of traffic related noise is significant for the area. In terms of the proposed use, we had the opportunity to take and document ambient noise levels at the site, across the street from the site, on Silver Springs Road which is the closest residential unit. I think it's a three story building. We documented the existing noise levels in that area and we also had the opportunity to look at the particular unit that processes the soils, the burners, et cetera, and take actual field measurements in an area where we can isolate that sound source and that is what the basis of our projections in our noise studies are. The conclusion is that the operation and this again goes back to even before it was enclosed in a building, the operation would conform to the Town of New Windsor code with respect to noise levels, both in duration and frequency. It's very specific about the frequencies. Due to the fact that in the evening hours, we would be operating the equipment, there would be no truck deliveries but the materials will still be processed in the evening. In order to conform with the evening requirements, we had recommended the use of a noise barrier to protect and attenuate the noise that would be emitted from the property and towards those residential units. That was part of the original plan. This is a better plan in the sense that we now have the unit enclosed in the building, the unit would actually be located in this area of the building where the actual equipment is processing the soil. The sound attenuation associated with that would actually be better than the barrier that was proposed under the plan that was reviewed by the Planning Board. The conclusions of our study are that one, the traffic can be handled on River Road, the level and the amount of traffic and type of traffic and two, that as originally proposed, the noise levels would be able to meet the requirements in the code with

respect to both frequency and overall levels and that under this plan, we feel is a better plan that would address those same issues. And that is, those are basically the conclusions of our studies, thank you.

MR. NUGENT: Did you recommend some of the plantings?

MR. GREALY: We worked together with the architect in terms of just some recommendations but our primary, in terms of noise, was more of the building and those issues. The aesthetic part of it is more of the landscape architect.

MR. NUGENT: Don't the pines they knock the noise down too?

MR. GREALY: It would help but you know the primary affect is from a solid barrier. The pines would help but they are primarily aesthetic and to break up that view so the architect will talk about that, thank you.

MR. TORLEY: In your building, one of the things I noticed when you have a large steel building like this there's a lot of noise, you get a rumbling, the whole building gets in the vibration. What's the chances of that happening?

MR. GREALY: The internal levels you wouldn't, you know, the code is very specific about property lines and the affect of those levels you have some pretty great distances here.

MR. CONKLIN: One thing to remember there's going to be soil stored in the building. That soil really soaks up a lot of the noise. It's not like an empty room. It's a room that is full of furniture and you'll know the difference.

MR. TORLEY: It's not an acoustically hard building?

MR. GREALY: No. The attenuation of that soil helps, you know, address the issue.

MR. CONKLIN: It will be an insulated building, not a heated building but insulated building.

MR. LOEB: The last area of presentation deals with the visual aspects. This is the Planned Industrial Zone. Those of us who have driven on River Road know it may not be the most scenic zone. We believe, and Carl Monte's plan I think will demonstrate, that this is going to make a substantial improvement.

MR. MONTE: My name is Carl Monte. I'm a landscape architect for the project. And our role was really the visual aspects concerning the project. As mentioned before, if I can turn this around, as mentioned before, and the view of the tanks existing was quite an eyesore with a hodgepodge of rusted tanks as well as there was like an erector set type of contraption for fill for the trucks and so our concern was really the view from the house across the street which is directly across the street and immediately taking that stuff down, the erector set and the hodgepodge of tanks immediately we've improved the view as well as with the further landscaping. The other issue that was of major concern is the view from the river, of course, and the other one was the view from River Road coming north or south. Going north is existing plantings on the adjacent property which kind of blocks out a lot of the site. But we have added some more buffer on this end, on this corner, as you come in, that will block out the rest of the site or most of the site, except at the entrance to keep the sight distance. Coming from the south, we have added evergreen trees along the whole north border to block the view of the building there. On the riverside, which is the big concern because of the new structure proposed, this shows a view from the river looking at the elevation directly at the building and the building comes up like 51 feet in height and it's 27 feet down here and what we did, this red line first of all shows the elevation of the railroad there. So really you're not going to see anything below here and what we did in order to raise the grade up, we've done it through berming as much as possible wherever we had enough distance and wherever we didn't, we propose to put retaining walls, decorative beige colored retaining walls that will gain us the height to hide the building. This shows growth in ten years of the trees against the building line. The building that we

propose will be a muted color, like taupe, green, gray so from the river, it will blend in with the background of the hillside, so you won't see it as well as from River Road, as you view out to the river, it will be a non-reflective color. And it's going to have like a skirt on the bottom that will be beige decorative concrete that is only about ten feet high. So as you view out and see the major part part of the building, it will just blend in with the water because it will be non-reflective like a gray-green tone. This shows here the views of the proposed concept for an office building front elevation, the side and this shows a section of what the relationship is with this office building to the road as well as these show the relationship of the building to the water and how we are berming up in this area, in order to hide the building as much as feasible from the river. The type of plantings that we propose will really be evergreen trees mixed with deciduous so it looks natural, so it is not a wall of evergreens. It will be mixed with some deciduous trees and some shrubs in the foreground from the river and same thing on both the north and south side, so it looks like natural planting. So it doesn't look like a solid wall.

MR. NUGENT: Is the front area going to have that same type of plantings?

MR. MONTE: Over here, we're going to put lower shrubs in front, all along here with large, heavy deciduous trees all along here and over here. We have low shrub planting to keep sight distance as you come in.

MR. TORLEY: I must say it's a pleasure to see somebody in an industrial area taking the pains to make it visually as pleasant as possible. All of your signing is meeting the zoning code? Do you have any plans to come back saying you want big signs or anything like that?

MR. MONTE: No. As a matter of fact, conceptually, we made it fit in with the planting so that it blends in with the area.

MR. TORLEY: You're not going to get any casual drop-in

business here so.

MR. LOEB: That concludes our presentation. I would ask that the narrative that I attached to the application be part of the record and each of the statutory determinations in 267B have been addressed in the narrative and rather than read it, it's all part and we're here to answer any questions, of course.

MR. NUGENT: Are there any further questions by the board members or should we open it up to the public?

MR. KANE: You can open it up.

MR. NUGENT: If you have any questions, we'll try to answer them to the best of our knowledge. Try not to be repetitious and state your name and address.

MR. RICHARD OSNER: Richard Osner, we used to operate Newburgh Oil Company out on that particular site which is maybe 15 years ago and that place looked tiptop. Since the Dutchman got ahold of it, what have you, he hasn't done anything in years and years, it was the worst eyesore along there, except for maybe the junk yard in Newburgh. And I'd like to add my thanks for having this done and have it being done correctly.

MR. NUGENT: Thank you. Anyone else? Okay, at this time, I'll close the public hearing and open it back up to the board.

MR. KANE: I have no further questions. They covered everything.

MR. NUGENT: I thought the presentation was excellent.

MR. LANGANKE: I agree.

MR. NUGENT: I think they covered all our problems that we needed to have covered.

MR. KRIEGER: The answer to your question Mr. Torley is yes, all the requirements have been met.

MR. KANE: I move that we grant the variance for I.D.C.



October 24, 1994

38

Soil Reclamation/Canada Oil Corporation as requested.

MR. LANGANKE: I second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE



# *Affron Fuel Oil, Inc.*

P.O. Box 67, Newburgh, NY 12550 (914) 562-0440

October 18, 1994

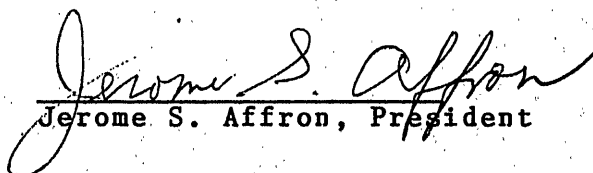
Planning Board  
Zoning Board of Appeals  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

Gentlemen:

I am the principal of ACS Property, Inc., the entity that owns lands immediately adjacent to lands of IDC Soils Reclamation, Inc. on River Road in the Town of New Windsor. I have seen the plans for the proposed soil reclamation project that are before both of your Boards and I want to let you know that I support the project and hope that the approvals which the applicant seeks from you are speedily granted.

Very truly yours

ACS Property, Inc.

  
Jerome S. Affron, President

JSA/ac

10/24/94. Public Hearing - Ira Conklin & Sons #94-

Name:

Address:

Richard Ostner

82 Bethlehem Rd

Palm Beach In

New Windsor

104 Rain Trd New Windsor.

James A Lock Atty for IDC

Greg Shaw

Ed Conklin III

Carl Monk

PHILIP GREALY

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Ira Conklin & Sons

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#94-34  
-----X

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On October 11, 1994, I compared the 26 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
11<sup>th</sup> day of October, 1994.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 34

Request of IRA D. CONKLIN & SONS

for a VARIANCE of the Zoning Local Law to permit:

construction of office and storage building in P.I. zone with less  
than the allowable front yard and more than the allowable building height,  
being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs.-Cols. E,I

for property situated as follows:

East Side of River Road (across from Silver Spring Road), New Windsor,  
New York 12553,

known as tax lot Section 9 Block 1 Lot 98.

SAID HEARING will take place on the 24th day of October,  
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

26

September 28, 1994

Mr. James R. Loeb  
1 Corwin Court - P.O. Box 1479  
Newburgh, NY 12550

RE: Tax Map Parcel #9-1-98

Dear Mr. Loeb:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook* (co)

Leslie Cook  
Sole Assessor

LC/co

cc: Pat Barnhart

Tubbs, William E. & Jean M.  
19 Silver Spring Road  
New Windsor, NY 12553

Roos, Richard D. & Lance R.  
82 River Road  
New Windsor, NY 12553

Dellafiora, Joseph J. & Victor  
42 Frost Lane  
Cornwall, NY 12518

Sayles, Philip & Yvette  
6 Silver Spring Road  
New Windsor, NY 12553

Krieger, James S. & Susan F.  
Route 94, Box 101  
New Windsor, NY 12553

Klein, William  
Box 243  
Wallkill, NY 12589

Canada Oil Corporation  
1 Valley Street  
Hawthorne, New Jersey 07506

Lucas, Michael & Arlene J.  
27 Cullen Ave  
New Windsor, NY 12553

Konkol, Victor & Betty  
20 Cullen Ave.  
New Windsor, NY 12553

67 South Robinson Avenue Corp.  
228 Broadway  
Newburgh, NY 12550

Bardsley, Roy & Shirley  
16 Cullen Ave.  
New Windsor, NY 12553

Welsh, Robert P.  
14 Cullen Ave.  
New Windsor, NY 12553

Ostner, Richard & Christine  
346 Bethlehem Road  
New Windsor, NY 12553

Raich, Abraham & Andrew Benzaken  
& Celia Barone  
c/o Andrew Bebzaken  
180 Cabrini Blvd.  
New York, NY 10033

Murray, Mary  
5 Silver Spring Road  
New Windsor, NY 12553

Colson, Jon W.  
17 Coffey Ave.  
New Windsor, NY 12553

Prokosch, Dale  
PO Box 4065  
New Windsor, NY 12553-0103

Benish, Patrick S. & Mildred M.  
104 River Road  
New Windsor, NY 12553

Bowman, William R. Sr. & Florence J.  
18 Coffey Ave  
New Windsor, NY 12553

Rossomando, William & Siegel, Dale  
346 Broadway  
Newburgh, NY 12550

Zalesak, John  
14 Coffey Ave  
New Windsor, NY 12553

Snayber, Elizabeth  
c/o Mrs. K Downsborough  
5 Cooper Rd.  
Pine Bush, NY 12566

Littman Industries, Inc.  
65 River Road  
New Windsor, NY 12553

Consolidated Rail Corp.  
Property Tax Dept.  
PO Box 8499  
Philadelphia, PA 19101



ACS Property, Inc.  
PO Box 67  
Newburgh, NY 12550

Beclcher Company of New York, Inc.  
c/o Coastal Fuel Marketing, Inc.  
PO Box 4372  
Houston, TX 77210

Prelim.  
Sept. 26, 1994

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 94-23

DATE: 21 SEPT 1994

APPLICANT: IRA D. CONKLIN & SONS  
92-94 STEWART AVE  
NEWBURGH NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 15 NOV 93

FOR (~~SUBDIVISION~~) - SITE PLAN) \_\_\_\_\_

LOCATED AT RIVER ROAD

\_\_\_\_\_ ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 98

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

LDT FRONT YARD SETBACK AND  
BUILDING HEIGHT FOR PROCESSING  
AND STORAGE BLDG.

  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

17  
PROPOSED OR  
AVAILABLEVARIANCE  
REQUESTREQUIREMENTSZONE PI USE A-15

MIN. LOT AREA

40 000 SF107 535—

MIN. LOT WIDTH

150 FT245—

REQ'D FRONT YD

50 FT35 FT15 FT

REQ'D SIDE YD.

15 FT24 FT—

REQ'D TOTAL SIDE YD.

40 FT54 FT—

REQ'D REAR YD.

20 FT78 FT—

REQ'D FRONTAGE

N/A——\* OTHER BLDGS  
EXIST ON SITE  
BUT PLAN  
INDICATES NO  
NEED FOR  
VARIANCE

MAX. BLDG. HT.

6" / FT NULL = 12 \*51 FT39 FT

FLOOR AREA RATIO

0.600.27—

MIN. LIVABLE AREA

N/A——

DEV. COVERAGE

N/A %— %— %

O/S PARKING SPACES

1313—

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

I.D.C. SOIL RECLAMATION AMENDED SITE PLAN (94-23)

James Loeb, Esq., and Ira D. Conklin III appeared before the board for this proposal.

MR. LOEB: Good evening ladies and gentlemen, I'm accompanied by Ira D. Conklin III. The plan that you have is an amendment to the plan that you previously approved. The amendment deals with the construction of a storage building. You'll recall that when we were before you, there were questions raised about what you going to do when it rains and at that time, we told you that just like an outside baseball game, there would be no game when it rained. Well, we thought about it again number one and number two, we just have been through the wettest summer that anybody had and Ira said this is kind of foolish, we're making this tremendous investment designing this first class project and plant and if it rains as much as it's rained this year, we're not going to be able to play very often. So we've laid out the change in the plan which is really the building.

MR. VAN LEEUWEN: Taking the tanks out?

MR. LOEB: Just what we show there.

MR. CONKLIN: All the tanks will come out now, we're not going to have any tanks any longer, no.

MR. LANDER: You're not going to store in the tanks?

MR. CONKLIN: No, everything will be underneath one roof. We're dumping under one pad all the materials stored under the one pad the material is treated and brought outside and that will have a tarp type cover over the outside storage. But basically, everything that is contaminated will be under the roof, no chance for rain to get on it either while we're dumping or after.

MR. KRIEGER: Machine will be under the roof too?

MR. CONKLIN: Yes.

MR. PETRO: Soil not being in a tank doesn't have any DEC implications?

MR. CONKLIN: No. What we're worried about is the rain water getting on contaminated soil and the runoff from that and as long as it's under a roof, the tanks were just for the roof, more than for anything else and we're just trying to keep it, now instead of dumping outside and bringing it inside, we're trying to dump inside and keep it inside.

MR. VAN LEEUWEN: How high is the building going to be at the peak?

MR. CONKLIN: 51 feet at the peak.

MR. VAN LEEUWEN: Will that fit in the zoning code?

MR. EDSALL: No, that is one of the variances they need.

MR. LOEB: We're here to request that you refer us to the Zoning Board. We need two variances, one is the front yard setback. We have a new office building and it has got to be 50 feet back. We've got 35 feet back and then of course the usual New Windsor variance of height and what we're proposing 51 feet and because of where it's situated, we can only have a building 12 feet high. So obviously, we've got to go to the Zoning Board. What we hope is to achieve those variances and come back before you for review of the amended site plan. We believe that in the long run, this is a better proposal because of the building and enclosing more of our operation.

MR. LANDER: Ira, going into this building type operation here, has the DEC mandated this or have they told you you need a cover on the materials that will be stored outside, anything new come up from the DEC?

MR. CONKLIN: No, DEC has not mandated it, however, they can't in their infinite wisdom, they can't lead you in any way, other than smile when you say you're going to put up a building and we've got a lot of smiles.

MR. LANDER: I would think so.

MR. PETRO: Also for the minutes, I'd like for you to state once again use of the property from the first approval that you received is not being changed in any way, shape or form?

MR. CONKLIN: No.

MR. PETRO: You're just putting a roof over the operation?

MR. CONKLIN: Yes, we're going to have not an outside dumping area, we're going to dump inside rather than transfer to an inside storage.

MR. PETRO: Item number 3, do you feel that that is absolutely necessary?

MR. EDSALL: Well, we have a full EAF. Now, what I am suggesting is that we make sure that we have on record an amended copy of the EAF which is a necessary item. I'm not looking to ask for any other increase in SEQRA review at this point, I believe the same full EAF just amended to reflect this would be fine.

MR. LOEB: We have no problem with that at all, Jim.

MR. EDSALL: Maybe just something that would be worthwhile getting into the record. I'm sure you'll get into it with the ZBA, but looking for 51 foot height, I believe that is less than the height of the existing tanks that are out there now?

MR. CONKLIN: Height of the existing tanks there now are somewhere around 50, 55, could be even 60, I never took a tape measure myself and measured them. They are six or seven tiers of steel and I think they are about six or seven feet in width so but I've never taken a tape to it.

MR. VAN LEEUWEN: I would take a tape to it.

MR. EDSALL: It may be that your finished building for

this application may be lower than the existing tanks. Second item I believe would be worthwhile having on record is you're looking to have a 30 and 24 foot side yard setback, I believe from recollection, I don't have the plan here, at least one of the tanks is closer than the closest point of the buiding you're proposing?

MR. CONKLIN: You're right, it is closer.

MR. EDSALL: So, in fact, although they are different structure types, your building in fact is going to be set back further than some of the tanks that are there now.

MR. PETRO: The hours of operation will not be changed from the original application?

MR. CONKLIN: No, I think we're going from a good scenario to a better scenario now that the unit will be underneath and in a building where before we were worried about a sound barrier, now we'll have the building around it for the sound barrier. We'll not have to worry about any rain water on a concrete pad, how are we going to deal with that.

MR. VAN LEEUWEN: Are the processors going inside the building too?

MR. LOEB: Yes.

MR. PETRO: We're going to have ample time to go over this, does anyone--

MR. VAN LEEUWEN: I make a motion to approve.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Ira D. Conklin site plan amendment on River Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHIEFER	NO
MR. LANDER	NO
MR. PETRO	NO
MR. VAN LEEUWEN	AYE

MR. PETRO: You have now been referred to the local Zoning Board. Good luck. Once you have all your variances and everything is on the plan, we'll certainly put you on the next agenda.

MR. VAN LEEUWEN: I'd like to send the Zoning Board a message that we're very much in favor.

MR. PETRO: Yes and there was a public hearing held and no opposition.

MR. LOEB: That would be very helpful if the board would indicate.

MR. EDSALL: For the record, I believe the only question we had at the previous public hearing was noise. The final attachments to the EAF that we did receive indicated that the noise barrier would decrease the noise levels for the units to a level below the town ordinance and as well below the background noise that was anticipated because of traffic on River Road. Obviously, by moving the equipment inside they are further decreasing the noise so therefore the only concern that this board heard about during the public hearing being noise is now being further decreased.

MR. PETRO: I believe also for the minutes I believe we had one person show up for the public hearing.

MR. LANDER: Noise and they were questioning stockpiling the material outside, odors.

MR. BABCOCK: The other thing that you can keep in mind is the ZBA will have a public hearing on this for the variances so.

MR. EDSALL: He will be going in understanding what we have heard in the past.

MR. KRIEGER: I'd suggest that you be prepared to



address yourself as I say that may be the only public hearing so maybe there to the appearance, facade, appearance, I'm sure that is going to be a question.

MR. LOEB: We'll be prepared for that and we anticipate submitting updated noise calculations based upon change in the site plan with the building. They of course are better.

MR. LANDER: What type of building are you going to put up?

MR. CONKLIN: Free span Butler building steel.

MR. LOEB: Thank you very much.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-34

Date: 09/30/94

I. Applicant Information:

- (a) TRA D. CONKLIN & SONS, 92-94 Stewart Avenue, Newburgh, N.Y. 12550 x  
(Name, address and phone of Applicant) (Owner)
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) James R. Loeb, Esq., One Corwin Court, Newburgh, N. Y. 12550-(914)565-1100  
(Name, address and phone of attorney)
- (d) Shaw Engineering, 744 Broadway, Newburgh, N. Y. 12553 - (914)561-3695  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) PT E/S River Road, New Windsor, N.Y. 12553 9-1-98 107,535 s.f. +  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC-Neighborhood/Commercial
- (c) Is a pending sale or lease subject to ZBA approval of this application? No.
- (d) When was property purchased by present owner? 09/08/94.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.  
If so, when? -.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

IV. Use Variance. not applicable

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

n/a

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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(c) <sup>n/a</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes      No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E & I.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 s.f.</u>	<u>107,535 s.f.</u>	<u>-</u>
Min. Lot Width <u>150 ft.</u>	<u>245 ft.</u>	<u>-</u>
Reqd. Front Yd. <u>50 ft.</u>	<u>35 ft.</u>	<u>15 ft.</u>
Reqd. Side Yd. <u>15 ft.</u>	<u>24 ft.</u>	<u>-</u>
Total Side Yd. <u>40 ft.</u>	<u>54 ft.</u>	<u>-</u>
Reqd. Rear Yd. <u>20 ft.</u>	<u>78 ft.</u>	<u>-</u>
Reqd. Street Frontage* <u>n/a</u>	<u>-</u>	<u>-</u>
Max. Bldg. Hgt. <u>6"/ft. nll=12 ft.</u>	<u>51 ft.</u>	<u>39 ft.</u>
Min. Floor Area* <u>n/a</u>	<u>-</u>	<u>-</u>
Dev. Coverage* <u>-</u> %	<u>-</u> %	<u>-</u> %
Floor Area Ratio** <u>0.60</u>	<u>0.27</u>	<u>-</u>
Parking Area <u>13</u>	<u>13</u>	<u>-</u>

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See attached Schedule A)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

n/a

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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n/a

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

SCHEDULE A

The applicant seeks relief in the form of area variances. Section 267-b of the Town Law sets forth the matters which the Zoning Board of Appeals must take into consideration on an application for an area variance. The Board must consider the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. The State statute lists five specific items which must be considered by the Zoning Board in making such determination:

1. The Board must determine whether an undesirable change would be produced in the character of the neighborhood, or a detriment to nearby properties created by the granting of the area variance. The character of the neighborhood is set and established, particularly on the east side of River Road as mixed commercial and industrial. The applicant has already received site plan approval for its proposed project, but has now returned to the Planning Board with an amended site plan which provides for the construction of a building within which to house a portion of the applicant's activities of soil remediation. By enclosing the applicant's operations within a building there will be even less of a change and any detriment to the neighborhood even further diminished than in the originally approved site plan.

2. The Board must determine whether the benefit the applicant seeks can be achieved by some other method feasible for the applicant to pursue. The applicant seeks two variances. One is a 15' front yard variance to permit the location of the new office building 35' from the property line and not 50'. As indicated on the site plan, the building is more than 50' back from the edge of pavement of River Road at its nearest point and there will be screening placed between the building and River Road within the 35' front yard setback. The location of the building and its relation to River Road was determined by engineering and traffic related considerations. It is important for traffic safety as well as internal circulation purposes that there be sufficient room within the site itself for the movement of trucks and other related equipment. The location of the building as shown on the plan is dictated by those considerations.

The second variance the applicant seeks is a height variance for the soil processing and storage building. The strict height provisions of the Zoning Law in New Windsor have often necessitated applications to the Zoning Board of Appeals for area variances to permit the construction of buildings higher than the permitted height. That is the case in this application where the height of the building would be limited to 12'. The applicant seeks a building with a ridge line of 51'. The height of the building at the eaves is 27'. Since the building the

applicant seeks is not a flat roof building, substantial portions of the building itself will have a height of less than 51' as can be seen from the submittal to the Zoning Board. In order to conduct the soil remediation operations in a fully enclosed building which includes both the processing of the material as well as the storage, it is necessary for the building to have a height of 51' at its highest point. This permits the overhead doors to have a height of 40' which is necessary for the equipment that enters and leaves the structure as well as providing sufficient clear storage space for the material stockpiled within the structure as well as the room necessary for the installation of the remediation equipment itself. The vehicles that bring the material into the building have hydraulic lifts that raise the back of the trailer to a 30' height to dump the material. The site presently is occupied by a number of abandoned fuel storage tanks several of which exceed 40' in height. The building proposed by the applicant while higher at the ridge line is substantially lower at the eaves and will be less visually intrusive than the collection of fuel tanks it will replace. There is no other method for the applicant to pursue if the operation is to be contained within a structure. The applicant submits that the benefits to the neighborhood of placing the operation within a structure, which benefits include the following: visual by eliminating the existing storage tanks



and exposure of waste material and the enhanced noise abatement, support the granting of the variance.

3. The Board must determine whether the requested variances are substantial. The applicant submits that the front yard variation of 15' is not substantial particularly since the building itself is set back more than 50' from the edge of the pavement. The variance the applicant seeks to permit a maximum height on the building of 51' is substantial when measured against the permitted height of 12' although the 51' is insubstantial when measured against the height of the oil storage tanks which exceed 40' in height and which have a solid bulk unlike the building. The applicant cannot achieve the placing of the soil remediation operation and storage within a building unless that building has the height at the ridge line at 51' as requested.

4. The Board must determine whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has secured site plan approval for its soil remediation operation without the construction of a building to house both the storage and the operation itself. The Planning Board as Lead Agency determined that the operation did not have any adverse environmental effects or impacts. With the new proposal to house the entire operation within a structure, the applicant believes that whatever minor intrusions, both physical and environmental,

the project may have had are substantially lessened. The building will not only contain storage of the material and the soil remediation unit, it will provide an enhanced noise attenuation barrier to insure that there is even less of an intrusion into the neighborhood.

5. The Board must determine whether the difficulties are self created, but the statute provides that if that be the case that fact shall not necessarily preclude the granting of the area variances. The location of the office building, dictated by traffic safety and internal circulation, and the construction of a building to house the soil processing unit and storage are acts proposed by the applicant and to that extent are self created.

The benefits to the applicant will greatly benefit the neighborhood and community, particularly because of the enhanced noise attenuation which can be achieved by placing the operation within the building and the visual enhancement of the site itself following the removal of the existing storage tanks. The applicant respectfully requests that the Zoning Board grant the variances.

JRL/ef/84645  
10/20/94  
6208.41,117

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(See site plan annexed hereto)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$292.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

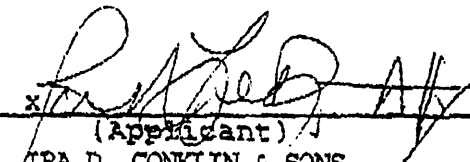
Date: September 30, 1994

STATE OF NEW YORK)

) SS.:

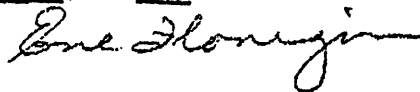
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

  
(Applicant)  
IRA D. CONKLIN & SONS

Sworn to before me this

20th day of October, 1994.



EVE FLANIGAN  
A NOTARY PUBLIC, State of New York  
Qualified in Orange County  
No. 4771148  
Commission Expires Feb. 28, 1995

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

**BARGAIN AND SALE DEED WITH COVENANT**

**THIS INDENTURE** made the *31st* day of *August* ~~September~~, Nineteen Hundred and Ninety-Four,

**BETWEEN**

**CANADA OIL CORPORATION**, a New Jersey corporation, with an address of No. 1 Valley Street, Hawthorne, New Jersey,

party of the first part, and

**E.D.C. SOILS RECLAMATION, INC.**, a New York corporation, with an address of 92-94 Stewart Avenue, Newburgh, New York, 12550,

party of the second part,

WITNESSETH that the party of the first part in consideration of ONE DOLLAR and 00/100 (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, described as follows:

PARCEL I:

BEGINNING at a masonry nail set in the concrete base of a metal fence post at the southwesterly corner of lands of the Grantor, the northwesterly corner of lands now or formerly of the Texas Company, said point also being on the easterly line of River Road; and running thence, along the easterly line of said River Road the following four (4) courses:

- 1) N 29° 18' 26" E 0.79' to a concrete monument found;
- 2) N 38° 25' 43" E 112.16' to an iron pipe set;
- 3) N 44° 17' 17" E 123.15' to an iron pipe set;
- 4) N 43° 21' 10" E 9.76' to a point at the southwesterly corner of lands now or formerly of Affron Tank Terminals, Inc., passing through an iron pipe set at a 2.11'; thence, along the southerly line of lands of said Affron, S 49° 19' 17" E 394.74' to a point on the westerly line of the New York Central Railroad right-of-way; thence, along said line, S 23° 19' 43" W 257.20' to a steel fence post at the corner of lands of aforesaid, Texas Company, passing through an iron pipe set at 10.60'; thence, along the northerly line of said Texas Company, N 49° 19' 17" W 475.09' to the point or place of beginning and passing through a concrete monument found at 3.03' and a concrete monument found at 468.97', monuments being 468.97' apart.

CONTAINING 2.47+ acres of land more or less.

SUBJECT to and including a twenty (20') foot right-of-way along the southerly line of lands of the Grantor, said right-of-way being ten (10') feet wide north and ten (10') feet wide south of the said southerly line of lands of the Grantor, running from the

easterly line of River Road to the westerly line of the New York Central Railroad.

ALSO including a right-of-way not to exceed twenty (20') feet in width running along the westerly line of New York Central Railroad, through lands now or formerly of the Texas Company.

PARCEL II:

BEGINNING at an iron pipe set on the easterly line of the New York Central Railroad at the corner of lands now or formerly of the Texas Company, said point being, S 49° 19' 17" E 103.72' from a steel post at the southeasterly corner of above described Parcel I, and running thence, along the easterly line of the New York Central Railroad, N 23° 19' 43" E 257.20' to a point on the southerly line of lands of aforementioned Affron; thence, along the southerly line of said Affron and into the Hudson River, S 49° 19' 17" E 349.9'± to a point; thence, S 23° 19' 43" W 257.2'; thence N 49° 19' 17" W 349.9'± to the point or place of beginning.

CONTAINING 1.97± acres of land more or less.

BEING the same premises conveyed by Cities Service Company to Canada Oil Corporation by deed dated April 30, 1979 and recorded in the Orange County Clerk's Office on May 7, 1979 in Liber 2130 at page 841.

The property hereinabove described does not constitute all or substantially all of the assets of the corporation and is made in the regular or usual course of business of the corporation; the shareholders have duly authorized this disposition.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

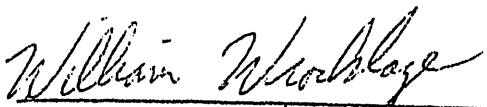
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

AND, the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

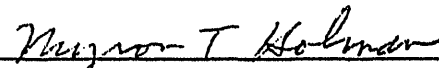
AND That, in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal the day and year first above written.

IN PRESENCE OF

  
WILLIAM WROCLAGE

CANADA OIL CORPORATION

By  L.S.  
MYRON T. HOLMAN, PRESIDENT

STATE OF *New Jersey* SS:  
COUNTY OF *Bergen*

**SS:**

COUNTY OF *Bergen*

AUGUST

On this 31<sup>st</sup> day of September, 1994, before me personally came Myron T. Holman, to me personally known, who, being by me duly sworn, did depose and say that he resides in HAWTHORNE NJ, that he is the PRESIDENT of CANADA OIL CORPORATION, the corporation described in, and which executed, the within instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto by like order.

etc by like order.

William Woodlaze

RECEIVED  
MAY 10 1962

Horizon Abstract Corp.

55 St. John Street

Goshen, NY 10924

(914) 294-8114 or (800) 346-0303



*Shotmeyer*

CERTIFICATE OF TITLE

*First American Title Insurance Company  
of New York*

Title No. 740-0-6719

*First American Title Insurance Company of New York* ("the Company") certifies to

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy authorized by the Insurance Department of the State of New York, in the amount set forth herein, insuring the interest set forth herein, and the marketability thereof, in the premises described in Schedule A, after the closing of the transaction in conformance with the requirements and procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of the policy.

*This Certificate* shall be null and void (1) if the premium and fees therefor are not paid (2) if the prospective insured, his or her attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the aforesaid form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

COUNTERSIGNED

*Robert D. McEachern*  
AUTHORIZED SIGNATURE

Robert D. McEachern/tjc



FIRST AMERICAN TITLE INSURANCE COMPANY  
OF NEW YORK

BY: *Charles B.*

PRESIDENT



## SPECIAL NEW YORK OWNER'S PROVISIONS

If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or encumbrances, except real estate taxes, assessments, water charges and sewer rents.

Provision is made in the rate manual of this company filed with the Superintendent of Insurance of the State of New York for

Proposed Insured:

*Reconfirm title in:*

Purchaser

*I.D.C. Soils Reclamation, Inc.*

Title No. 740-0-6719

Effective Date: 8/15/93

Redated:

*9/8/94*

*Plm End*

Mortgagee

Amount of Insurance

Fee

*\$ 427,000.-*

Mortgage

\$

~~Leasehold~~ \$ TBD

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/ or mortgaged by:

CANADA OIL CORPORATION, who acquired title by Deed dated 4/30/79 and recorded in the Orange County Clerk's Office on 5/7/79 in Liber 2130 page 841 from Cities Service Company.

Premises described in Schedule "A" are known as:

Address: River Road

County: Orange

City:

District:

Town: New Windsor

Section: 9

Block: 1

Lot: 98

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, described as follows:

PARCEL I:

BEGINNING at a masonry nail set in the concrete base of a metal fence post at the southwesterly corner of lands of the Grantor, the northwesterly corner of lands now or formerly of the Texas Company, said point also being on the easterly line of River Road; and running thence, along the easterly line of said River Road the following four (4) courses:

- 1) N 29° 18' 26" E 0.79' to a concrete monument found;
- 2) N 38° 25' 43" E 112.16' to an iron pipe set;
- 3) N 44° 17' 17" E 123.15' to an iron pipe set;
- 4) N 43° 21' 10" E 9.76' to a point at the southwesterly corner of lands now or formerly of Affron Tank Terminals, Inc., passing through an iron pipe set a 2.11'; thence, along the southerly line of lands of said Affron, S 49° 19' 17" E 394.74' to a point on the westerly line of the New York Central Railroad right-of-way; thence, along said line, S 23° 19' 43" W 257.20' to a steel fence post at the corner of lands of aforesaid, Texas Company, passing through an iron pipe set at 10.60'; thence, along the northerly line of said Texas Company, N 49° 19' 17" W 475.09' to the point or place of beginning and passing through a concrete monument found at 3.03' and a concrete monument found at 468.97', monuments being 468.97' apart.

CONTAINING 2.47+ acres of land more or less .

SUBJECT to and including a twenty (20') foot right-of-way along the southerly line of lands of the Grantor, said right-of-way being ten (10') feet wide north and ten (10') feet wide south of the said southerly line of lands of the Grantor, running from the easterly line of River Road to the westerly line of the New York Central Railroad.

- continued -

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

FOR  
CONVEYANCING  
ONLY

TOGETHER with all the right, title and interest of the party of the first party, of, in and to the land lying in the street in front of and adjoining said premises.

SCHEDULE A

.....continued

ALSO including a right-of-way not to exceed twenty (20') feet in width running along the westerly line of New York Central Railroad, through lands now or formerly of the Texas Company.

PARCEL II:

BEGINNING at an iron pipe set on the easterly line of the New York Central Railroad at the corner of lands now or formerly of the Texas Company, said point being, S 49° 19' 17" E 103.72' from a steel post at the southeasterly corner of above described Parcel I, and running thence, along the easterly line of the New York Central Railroad, N 23° 19' 43" E 257.20' to a point on the southerly line of lands of aforementioned Affron; thence, along the southerly line of said Affron and into the Hudson River, S 49° 19' 17" E 349.9'± to a point; thence, S 23° 19' 43" W 257.2'; thence N 49° 19' 17" W 349.9'± to the point or place of beginning.

CONTAINING 1.97± acres of land more or less.

*Insure*

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

FOR  
CONVEYANCING  
ONLY

TOGETHER with all the right, title and interest of the party of the first party, of, in and to the land lying in the street in front of and adjoining said premises.

## SCHEDULE B

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

## DISPOSITION\*

- Omited*
1. Rights of tenants or persons in possession, if any.
  2. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.
  3. Any state of facts an accurate survey would show.
  4. Pending further investigation, no title is insured to so much of the premises as lies below the present or any former high water line of the Hudson River.
  5. Riparian rights, if any, are not insured.
  6. Together with and subject to rights of way in Liber 662 page 32; subject to and together with conditional agreements for mooring piles and docking therein; reservation of appurtenant right of way for access and pipeline therein. NOTE: Pending further investigation, no rights across the bed of the former West Shore Railroad are insured.
  7. Rights of the United States to establish harbor, bulkhead or pierhead lines or to change or alter and such existing lines and to remove or compel the removal of fill and improvements thereon from land now or formerly below the high water mark of the Hudson River without compensation to the Insured.

Title Certified in:

A duplicate copy of the exceptions is furnished to you with the thought you may wish to transmit same to the attorney for the owner of the property, and thereby facilitate the clearing of the objections prior to closing.

**MORTGAGES**

Mortgagor: NONE OF RECORD

Amount: \$

Dated:

Mortgagee:

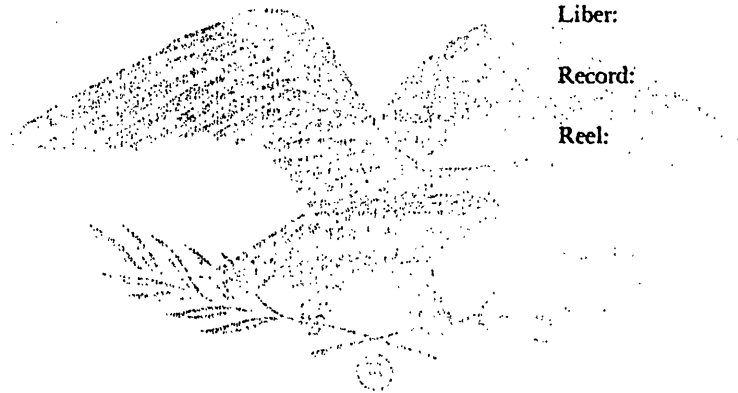
Recorded:

Liber:

Record:

Page:

Reel:



*This title report does not show all the terms and provisions of the mortgage(s) set forth herein. Interested parties should contact the holder(s) thereof to ascertain the terms, covenants and conditions contained therein, and to determine if there are any unrecorded amendments or modifications thereto.*

## TAX SEARCH

Title No. 740-0-6719

ASSESSED TO: Canada Oil Corporation

Assessed Valuation:

Land \$91,800.00

Total \$161,000.00

River Road

4.40 acres

Property Class Code: 710

County Orange

City

School District Newburgh City

Borough

Town New Windsor

Village

Section 9

Block 1

Lot 98

1993 State, County &amp; Town Tax: \$6,842.27 - PAID - 1/21/93

*omit*

1992/93 School Tax: 1st Inst. \$2,365.25 - PAID - 10/22/92  
2nd Inst. \$2,365.25 - PAID - 12/10/92  
3rd Inst. \$2,365.25 - PAID - 3/11/93

1993/94 School Tax: a lien as of 7/1/93; due and payable during October, 1993

*omit*

94/95 School - 1st - 2845.69 - *pd at closing*  
except < 2nd 2840.68  
3rd 2840.68 } *not yet due*

Water Bill: no meter on premises

*omit*

Sewer Bill: \$31.79 (covers 4/1/93 to 6/30/93) - PAID - 6/9/93

Our policy does not insure against such items which have not become a lien up to the date of closing, or installments due after such date. Neither our tax search nor our policy covers any part of streets on which the premises to be insured abut.

If the tax lots above mentioned cover more or less than the premises under examination, this fact will be noted herein. In such case, the interested parties should take the necessary steps to make the tax map conform to the description to be insured.

NY State  
Deed Tax  
\$220.00

BARGAIN AND SALE DEED, WITH COVENANT

THIS INDENTURE, Made the 30th day of April,  
1979, between CITIES SERVICE COMPANY, a Delaware corpora-  
tion, with offices at the Cities Service Building, Tulsa,  
Oklahoma 74102, Party of the First Part, and CANADA OIL  
CORPORATION, a New Jersey corporation, of No. 1 Valley  
Street, Hawthorne, New Jersey, Party of the Second Part;  
WITNESSETH:

THAT the Party of the First Part in consideration  
of TEN (\$10.00) DOLLARS and other valuable consideration  
paid by the Party of the Second Part does hereby grant and  
release to the Party of the Second Part, its successors and  
assigns forever,

× ALL that certain plot, piece or parcel of land,  
with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, County of Orange  
and State of New York, described as follows:

PARCEL I:

BEGINNING at a masonry nail set in the concrete base of a metal fence post at the southwesterly corner of lands of the Grantor, the northwesterly corner of lands now or formerly of the Texas Company, said point also being on the easterly line of River Road; and running thence, along the easterly line of said River Road the following four (4) courses:

- 1) N29°18'26"E 0.79' to a concrete monument found;
- 2) N38°25'43"E 112.16' to an iron pipe set;
- 3) N44°17'17"E 123.15' to an iron pipe set;
- 4) N43°21'10"E 9.76' to a point at the southwesterly corner of lands now or formerly of Affron Tank Terminals, Inc., passing through an iron pipe set a 2.11'; thence, along the southerly line of lands of said Affron, S49°19'17"E 394.74' to a point on the westerly line of the New York Central Railroad right-of-way; thence, along said line, S23°19'43"W 257.20' to a steel fence post at the corner of lands of aforesaid, Texas Company, passing through an iron pipe set at 10.60'; thence, along the northerly line of said Texas Company, N49°19'17"W 475.09' to the point of place of beginning and passing through a concrete monument

*John C. V.*

LIBER 2130 PAGE 841



WER 2130 PAGE 042

found at 3.03' and a concrete monument found at 468.97', monuments being 468.97' apart.

Containing 2.47+ acres of land more or less.

Subject to and including a twenty (20') foot right-of-way along the southerly line of lands of the Grantor, said right-of-way being ten (10') feet wide north of and ten (10') feet wide south of the said southerly line of lands of the Grantor, running from the easterly line of River Road to the westerly line of the New York Central Railroad, as ~~recorded in the Orange County Clerk's Office in deeds of record in Liber 786 at page 261.~~ JWC 12/1

Also including a right-of-way not to exceed twenty (20') feet in width running along the westerly line of the New York Central Railroad, through lands now or formerly of the Texas Company, as ~~recorded in the Orange County Clerk's Office in deeds of record in Liber 782 at page 261.~~ JWC 12/1

~~Also subject to other rights as recorded in deeds of record in Liber 782 at Page 261.~~ JWC 12/1

PARCEL II:

Beginning at an iron pipe set on the easterly line of the New York Central Railroad at the corner of lands now or formerly of the Texas Company, said point being, S49°19'17"E 103.72' from a steel post at the southeasterly corner of above described Parcel I, and running thence, along the easterly line of the New York Central Railroad, N23°19'43"E 257.20' to a point on the southerly line of lands of aforementioned Affron; thence, along the southerly line of said Affron and into the Hudson River, S49°19'17"E 349.9' to a point; thence, S23°19'43"W 257.2'; thence, N49°19'17"W 349.9' to the point or place of beginning.

Containing 1.97+ acres of land more or less.

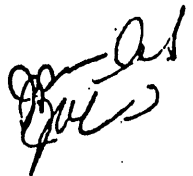
Lands under water are subject to any New York State water grants in past title.

~~Above descriptions are shown on a map prepared by Kartiganer Associates, P.C., New Windsor, New York, dated 30 September 1977.~~

BEING the same premises conveyed to A.E. Newcombe Oil Co., Inc. by Hudson Valley Oil Company, Inc. under deed dated July 3, 1929, recorded in Liber 702 of Deeds, on Page 144, Orange County, New York.

BEING the same premises conveyed to  
Cities Service Company by Cities Service  
Oil Company under deed dated July 21,  
1978, recorded in Liber 2106 of Deeds,  
on Page 1083, Orange County, New York.

~~SUBJECT to any condition which an inspec-  
tion of the premises and an accurate  
survey may show, and to covenants,  
restrictions and easements of record, if  
any.~~



TOGETHER with all the right, title and interest,  
if any, of the Party of the First Part in and to any streets  
and roads abutting the above described premises to the  
center line thereof; together with the appurtenances and all  
the estate and rights of the Party of the First Part in and  
to said premises;

TO HAVE AND TO HOLD the premises herein granted  
unto the Party of the Second Part, its successors and assigns  
forever.

✓ This conveyance includes and is subject to those easement rights set out in that certain Quit Claim Deed executed by Hudson Valley Oil Company, Inc. in favor of Pennzoil Terminal Corporation dated January 12, 1926, duly recorded in Liber 662 at page 32 of the Deed Records of Orange County, State of New York.

AND the said Party of the First Part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

This conveyance is made in the regular course of the business of the Party of the First Part and its Articles of Incorporation do not require the consent of any stockholders to this conveyance.

IN WITNESS WHEREOF, the Party of the First Part has duly executed this deed the day and year first above written.

CITIES SERVICE COMPANY

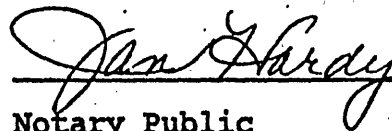
By:

*Mark Payton*  
Mark Payton  
Its Attorney-In-Fact

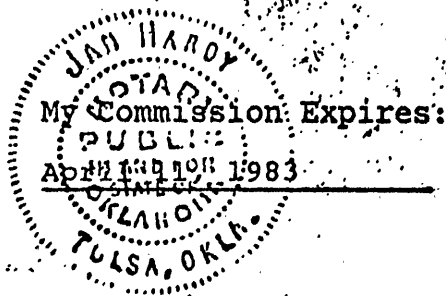
144-2130 PAGE 844

STATE OF OKLAHOMA     )  
                              )  
COUNTY OF TULSA     )   SS:

The foregoing instrument was acknowledged before me  
this 30th day of April 1979, by Mark Payton  
as Attorney-in-Fact on behalf of Cities Service Company.



Notary Public



## POWER OF ATTORNEY

The undersigned, CITIES SERVICE COMPANY, a Delaware corporation, by these presents, does make, constitute and appoint Jack Phillips, and C. H. Adams, and David A. Hentschel, and R. W. Dotson, and R. E. Sampson, and P. W. J. Wood, and Jack R. Place, and John V. Yard, and J. D. Montgomery, and V. W. Cleveland, and C. R. Garner, and C. G. Niernberger, and John M. Armstrong, and Sam W. Franklin, and Chas. M. Hartwell, and John W. Young, and L. H. Stayton, and R. P. Pasque, and Mark F. Payton, and Wiley C. Hill, and J. K. Brothers, and each of them acting individually, its true and lawful Attorneys-in-Fact for it and in its name, place and stead, to enter into, execute, acknowledge and deliver on behalf of this corporation the instruments designated and described below:

- (1) Agreements pooling royalty on any or all minerals of this corporation under oil, gas and/or other mineral leases with royalty on any or all minerals under oil, gas and/or other mineral leases of third parties
- (2) Agreements pooling oil, gas and/or other mineral leases and the rights thereunder of this corporation with oil, gas and/or other mineral leases or minerals and rights thereunder of third parties
- (3) Agreements providing for the joint or unit development of oil, gas and/or other mineral leases or minerals of this corporation with oil, gas and/or other mineral leases or minerals of third parties

- (4) Agreements pooling unleased interests in minerals of this corporation with unleased mineral rights and/or rights in oil, gas and/or other mineral leases of third parties
- (5) Agreements pledging contributions to third parties in connection with the drilling of wells
- (6) Agreements subordinating oil, gas and/or other mineral leases or minerals and the rights thereunder of this corporation to the rights of third parties
- (7) Agreements for the purchase, or exchange, of minerals or oil, gas and/or other mineral leases or interests in minerals or oil, gas and/or other mineral leases and assignments, leases or deeds pursuant thereto
- (8) Agreements for the sale, lease or assignment of minerals and/or oil, gas and/or other mineral leases and the necessary instruments pursuant thereto
- (9) Agreements for the renting, leasing, purchase and/or sale of real property and/or personal property and the necessary instruments pursuant thereto
- (10) Division orders and Transfer orders covering sale of oil, gas and/or other minerals

- (11) Agreements for geological and geophysical exploration work and any other agreements for test well drilling, and any and all other agreements of a functional nature pertaining to the acquisition, exploration, testing, development, and operation of oil, gas and/or other mineral properties
- (12) Easements of lands owned by this corporation
- (13) Oil, gas and/or other mineral leases on fee lands and on mineral rights in lands of this corporation wherever situated
- (14) Oil, gas and/or other mineral leases on lands of members of any Tribe of Indians and/or lands of Natives, on mineral interests of any Indian Tribe and/or Native corporation, company, or organization, on public lands and other lands of the United States of America wherever situated, on public lands and other lands of any State and of any subdivision of any State wherever situated, in which this corporation is lessee
- (15) Oil, gas and/or other mineral leases on any land or mineral interest regardless of ownership wherever situated, in which this corporation is lessee
- (16) Agreements for the sale of mineral producing properties, oil, gas and/or other mineral leases, and other mineral interests owned by this corporation
- (17) Assignments, transfers, conveyances, deeds, oil, gas and/or other mineral leases, bills of sale and other instruments in connection with sales of leases, wells and related facilities and/or installations, together with personal property in, on and/or serving the properties sold



- (18) Make bids, applications and filings, and to sign and execute the same in behalf of this corporation for oil, gas and/or other mineral leases on lands of the United States of America and any State owned lands, including such lands embraced within the area called "the Outer Continental Shelf", on lands of any Indian Tribe, on lands of any Native corporation, company or organization
- (19) Leases of the surface of lands wherever situated of this corporation for agricultural grazing and other purposes
- (20) Subleases of rights under surface leases and under oil, gas and/or other mineral leases of this corporation
- (21) Releases and surrenders of oil, gas and/or other mineral leases and easements in real estate wherever situated
- (22) Agreements for consulting services and/or other personal services
- (23) Saltwater disposal agreements and right of way agreements and agreements for construction of facilities necessary for the functional operation thereof
- (24) Development contracts, unit agreements and other agreements relating thereto with the federal, state and local governments and the various departments, agencies and branches thereof
- (25) Assignments and/or partial assignments of oil, gas and/or other mineral leases covering federal, state or other lands

- (26) Assignments of operating rights and designations of operator under oil, gas and/or other mineral leases covering federal, state or other lands

Said Attorneys-in-Fact are hereby granted full and complete power and authority to execute, acknowledge and deliver such other documents and instruments and to do such things and perform such acts as may be necessary or convenient in connection with the foregoing,

CITIES SERVICE COMPANY hereby declares that each and every act, matter and thing which shall be given, made and done by said Jack Phillips, and C. H. Adams, and David A. Hentschel, and R. W. Dotson, and R. E. Sampson, and P. W. J. Wood, and Jack R. Place, and John V. Yard, and J. D. Montgomery, and V. W. Cleveland, and C. R. Garner, and C. G. Niernberger, and John M. Armstrong, and Sam W. Franklin, and Chas. M. Hartwell, and John W. Young, and L. H. Stayton, and R. P. Pasque, and Mark F. Payton, and Wiley C. Hill, and J. K. Brothers, in connection with the exercise of any or all of the aforesaid powers shall be as good, valid and effectual to all intents and purposes as if the same has been given, made and done by said CITIES SERVICE COMPANY in its corporate presence and it hereby ratifies whatsoever said Attorneys, or any of them, shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, CITIES SERVICE COMPANY has hereunto caused its name to be subscribed and its corporate seal to be affixed this 30th day of August, 1977.



Garrett Lowe  
Assistant Secretary

CITIES SERVICE COMPANY

Fred H. Ramseur, Jr.  
Executive Vice President

STATE OF OKLAHOMA )  
 ) SS  
COUNTY OF TULSA )

Before me, the undersigned, a Notary Public, in and for said County and State, on this 30th day of August, 1977, personally appeared Fred H. Ramseur, Jr., to me known to be the identical person who subscribed the name of the maker thereof to the within and foregoing instrument as its Executive Vice President and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

Witness by hand and official seal the day and year last above written.

Adelle Beathe  
Adelle Beathe, Notary Public



L 662 p 32

~~premises herein granted unto the parties of the second part, their heirs and assigns forever as tenants by the entirety. And said Walter D. Carroll covenant as follows: First. That said Walter D. Carroll is seized of the said premises in fee simple, and has good right to convey the same. Second. That the parties of the second part shall quietly enjoy the said premises. Third. That the said premises are free from incumbrances; except as herein stated. Fourth. That the parties of the first part will execute or procure any further necessary assurance of the title to said premises. Fifth. That said Walter D. Carroll will forever warrant the title to said premises. In Witness Whereof, the parties of the first part have hereunto set their hands and seals, the day and year first above written.~~

In the presence of Peter Cantline

Walter D. Carroll L. S.

Etta L. Carroll L. S.

~~One five dollar, one one dollar, one fifty cent stamp annexed and cancelled.~~

State of New York

On the fifteenth day of February, nineteen

County of Orange SS.

hundred and twenty six before me came Walter

~~C. Carroll and Etta L. Carroll, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.~~

Peter Cantline, Notary Public, Orange Co.

~~A true record entered February 17, 1926 at 2:05 P. M.~~

Clerk.

State of New York  
County of Orange SS.

Walter C. Anthony, being duly sworn, deposes and says that he is an attorney and counselor-at-law residing and practicing his profession in the City of Newburgh

N. Y. and has resided and practiced law in the City of Newburgh, N. Y., for more than fifty years last past; that deponent was well acquainted with John T. Moore who was a member of the firm of Moore & Lahey and to the person knowledge of deponent the said John T. Moore at one time owned real property in Orange County which he conveyed as a single man, and that the said John T. Moore was always reputed to be a single man and that deponent never heard of his having married, although deponent was very intimately acquainted with the family of said John T. Moore. That deponent was also well acquainted with David F. B. Carson and his wife, Sarah M. Carson, who owned real property in the Town of New Windsor; that both Mr. and Mrs. Carson are dead; that deponent is more or less familiar with the titles to real property in the Town of New Windsor, Orange County, New York, at one time owned by William Lahey and to the best of deponent's knowledge, information and belief neither the said Sarah M. Carson nor David F. B. Carson, nor their heirs, own or are interested in any real estate in New Windsor formerly owned by the said Sarah M. Carson.

Sworn to before me November 28th 1925

Walter C. Anthony --

Augustus W. Bennet, Notary Public, Orange Co. N. Y.

(Endorsed) In the matter of Title to property of Hudson Valley Oil Company Inc. in Town of New Windsor, Orange County, N. Y. Affidavit of Walter C. Anthony Verified Nov. 28, 1925 Kent, Means & Smith, Attorneys 503 Crosby Bldg. Buffalo, N. Y. (Endorsed)

W-11

This Indenture made the 12th day of January nineteen hundred and twenty six between Hudson Valley Oil Company Inc. a corporation organized under the laws of the State of New York, party of the first part, and Pennzoil Terminal Corporation a corporation organized under the laws of the State of New York, party of the second part, Witnesseth, that the party of the first part, in consideration of One dollar (\$1.00) lawful money of the United States, and other good and valuable considerations paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, its successors and assigns forever,

ALL that tract or parcel of land situate in the Town of New Windsor, Orange County, New York, bounded and described as follows: Beginning at a point in the southeasterly line of Sackett's Alley as laid down on a map of the village of New Windsor made by Charles Clinton and distant 245.5 feet southwesterly from the northwesterly corner of lands conveyed by the Columbus Trust Company to the Hudson Valley Oil Company Inc., by deed dated September 29th, 1925 and recorded in the office of the Clerk of Orange County in liber 657 of deeds at page 486 September 30th, 1925 and runs thence southeastwardly parallel with and distant 245.5 feet measured at right angles southwesterly from the northeasterly line of said lands conveyed by the Columbus Trust Company to the Hudson Valley Oil Company Inc., 944 feet more or less, to the channel bank of the Hudson River at a point 257.2 ft. southwardly from the northeast corner of the lands conveyed by the deed described above; thence southwardly along said channel bank to lands formerly of William T. McCullough; thence northwestwardly along said lands formerly of William T. McCullough 874 feet more or less to lands now or formerly of Charles Gegen-

heimer; thence northeastwardly along said lands now or formerly of Charles Gegenheimer and lands now or formerly of Joseph McLaughlin 96 feet, more or less, to the easterly corner of said last mentioned lands; thence northwestwardly along the northeasterly line of said last mentioned lands 100 feet, more or less, to the easterly line of Dock Street as laid down on the map above referred to; thence northwardly along the easterly line of Dock Street 362 feet, more or less, to the corner formed by the intersection of the easterly line of Dock Street and the southeasterly line of Sackett's Alley, as laid down on said map; thence northeastwardly along the southeasterly line of Sackett's Alley 143.3 feet, more or less, to the place of beginning.

EXCEPTING and reserving so much thereof as is included within the exterior lines of the right of way of the West Shore Railroad Company. Being a portion of the premises which were conveyed to Hudson Valley Oil Company Inc., by the Columbus Trust Company by deed dated September 29th, 1925 recorded in Orange County Clerk's office September 30th, 1925, in lib-<sup>741</sup>er 657 page 486. Together with a right of passage on foot or by vehicle over a strip of land 10 feet wide and adjoining on the north the premises above described, and extending from Sackett's Alley to the right of way of the West Shore Railroad Company and subject to a right of way reserved by the party of the first part for itself and its assigns to a like right of passage on foot or by vehicle over a strip of land 10 feet wide along the northerly side of the premises above described the right of way thus

created from Sackett's Alley to the West Shore Railroad Company being thus made 20 feet in width over which the owners of lands on both sides, present and future, shall have the privilege to pass and repass on foot or by vehicle or otherwise. Together with the right to locate and maintain suitable mooring piles on other lands under water belonging to the party of the first part lying north of the premises hereby conveyed to be there maintained so long as the dock stands, and the right to the party of the second part to moor boats at the dock hereinafter described by the use of said mooring piles, which boats may lie over other lands of the party of the first part lying north of the premises hereby conveyed. Said mooring piles may be relocated from time to time as may be necessary or convenient in connection with the use by the party of the first part of its other lands lying north of the premises hereby conveyed, ~~provided such other lands lying north of the premises hereby conveyed~~, provided such relocation shall not interfere with the convenient use of the dock hereinafter referred to.

SUBJECT to the covenant and agreement of the party of the second part that it shall and will construct with all reasonable expedition and complete for



use, a dock north of an underpass now existing; under the right of way of the West Shore Railroad Company on the premises hereby conveyed suitable for the docking of ocean tank steamers, and erect and maintain so long as said dock stands suitable mooring piles on lands under water hereby conveyed, which mooring piles may be used by the party of the first part, and its assigns, for the purpose of mooring boats at said dock, which boats may lie over lands of the party of the second part hereby conveyed. Said mooring piles may be relocated from time to time as may be necessary or convenient in connection with the use by the party of the second part of its other lands, provided such relocation shall not interfere with the convenient use of said dock. The party of the first part and its assigns, shall have the right and privilege of using said dock for the purpose of mooring boats thereat and loading and discharging cargoes therefrom. The party of the first part shall not, nor shall its assigns, have the right or privilege to grant to the general public the right to use said dock, but may grant the right or privilege to use said dock to any purchaser or lessee of the property, or any portion thereof, purchased by the party of the first part from the Columbus Trust Co. The said dock and mooring piles shall be maintained at the joint expense of those making use of the dock, such users to contribute to the expense of maintenance in proportion to their respective tonnage over the dock, except that as long as Mr. A. R. Newcombe remains in control of the Hudson Valley Oil Company, neither the Hudson Valley Oil Company nor the A. R. Newcombe Oil Corporation shall be obligated to pay any portion of the expense of such maintenance.

SUBJECT also to a right of way hereby reserved by the party of the first part for itself and its assigns, to pass and repass over a strip of land not exceeding 20 feet in width along the westerly side of the right of way of the West Shore Railroad Company to and through the present underpass across said right of way and to and from the above described dock, and to erect and maintain upon said right of way to and from said dock, whether upon, above or below the surface

Page 182  
thereof, suitable pipe lines. This right of way along the westerly side of the West Shore Railroad Company property may be relocated by the party of the second part, or its assigns, if necessary or desirable, but shall not be so relocated as to increase the length of the pipe line to the property of the party of the first part, or its assigns, or so as to reduce the pumping capacity of such pipes.

SUBJECT also to the right reserved by the party of the first part for itself and its assigns, to moore boats at any dock which may hereafter be constructed upon its lands lying north of the premises hereby conveyed, which boats may lie over the lands hereby conveyed, and to locate and maintain suitable mooring piles on the lands hereby conveyed for the proper use of any dock so constructed, which mooring piles may be relocated from time to time as may be necessary or convenient in connection with the use by the party of the second part of the lands hereby conveyed, provided such relocation shall not interfere with the convenient use of the dock so constructed as above described. Subject also to the current State and County tax.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises. To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever. In Witness Whereof, the party of the first part has caused these presents to be signed by its president, and its corporate seal to be hereto affixed the day and year first above written.

In presence of Graham Witschief

Hudson Valley Oil Company Inc., (LS)

By Austin Newcombe, President

Four five dollar, one two dollar  
stamp annexed and cancelled.

State of New York  
County of Orange SS.

Pennzoil Terminal Corporation (LS)

By A. S. Matthews, Vice president  
and General Manager

On this 12th day of January nineteen hundred  
and twenty six before me, the subscriber, per-  
sonally appeared Austin Newcombe, to me known, who being by me duly sworn, did  
depose and say that he resides in the City of Kingston, N. Y., that he is the  
president of Hudson Valley Oil Company, the corporation described in and which  
executed the above instrument, that he knows the seal of said corporation; that  
the seal affixed to said instrument, is such corporate seal; that it was so af-  
fixed by order of the Board of Directors of said corporation and that he signed  
his name thereto by like order.

Graham Witschief, Notary Public, Orange Co.

State of New York  
County of Erie ss.

On this 8th day of February nineteen hundred  
and twenty six before me, the subscriber, per-  
sonally appeared Albert S. Matthews, to me known, who being by me duly sworn did  
depose and say that he resides in the City of Buffalo, N. Y.; that he is the Vice  
President and General Manager of the Pennzoil Terminal Corporation, the corporation  
described in and which executed the above instrument, that he knows the seal of said  
corporation; that the seal affixed to said instrument is such corporate seal; that  
it was so affixed by order of the Board of Directors of said corporation and that  
he signed his name thereto by like order.

SECTION

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**SECTION 17**

**SECTION 20**

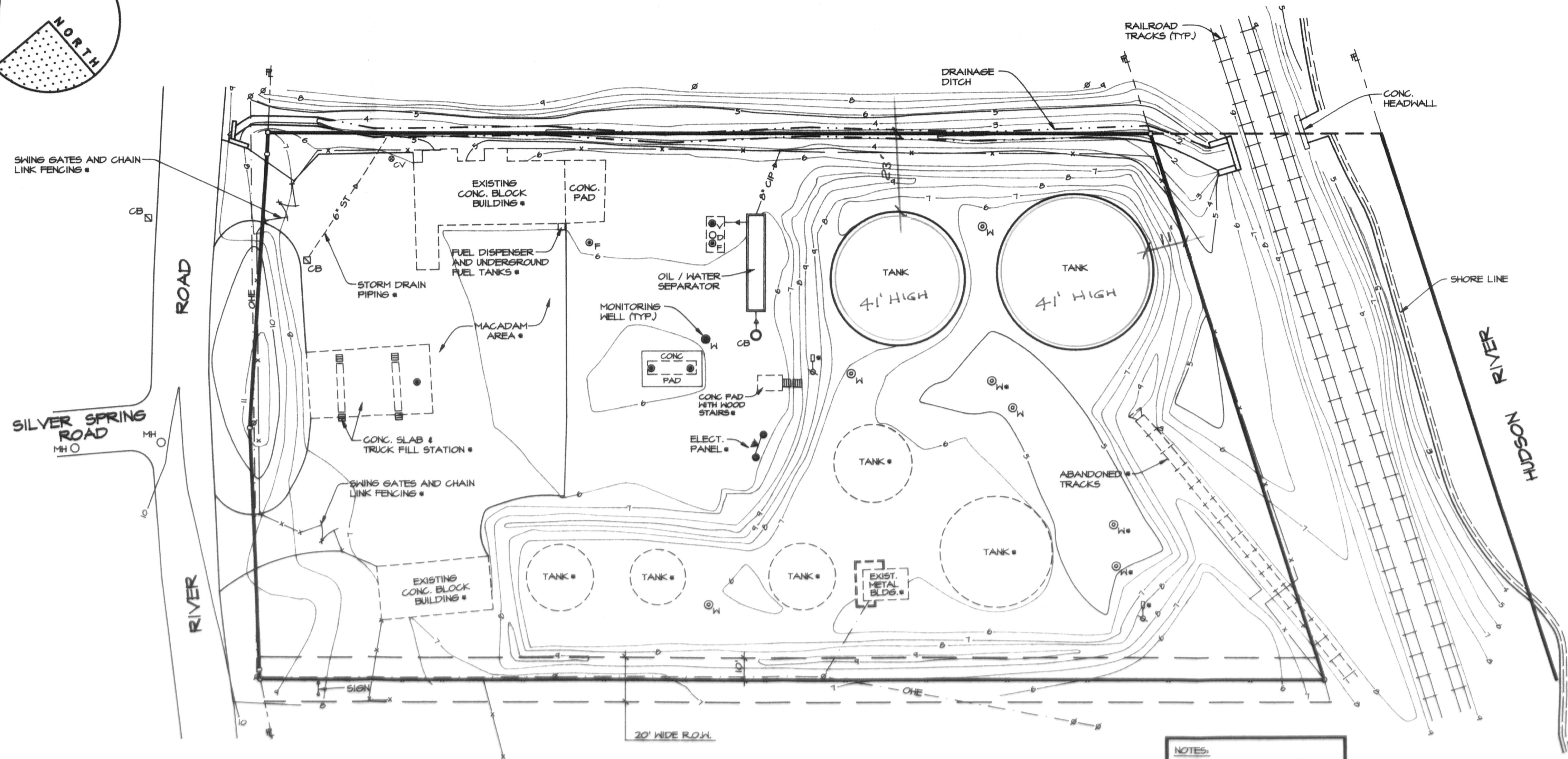
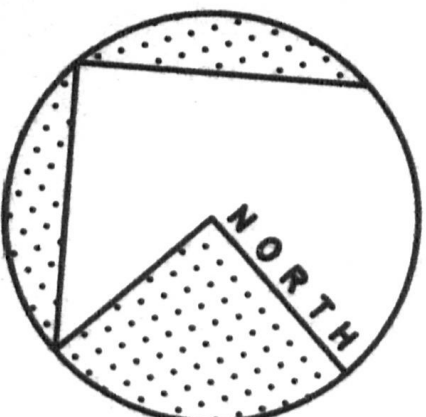
**SECTION 23**

**SECTION 81**

**SECTION 37**

**NUOSON**

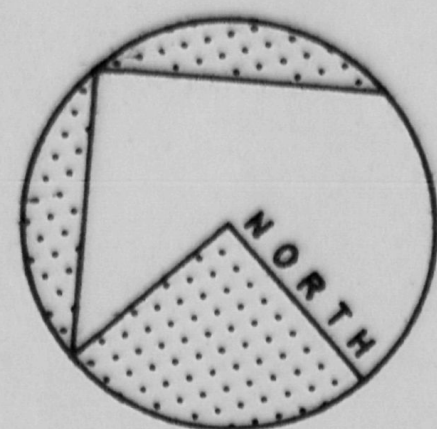
New Windsor  
Section 9



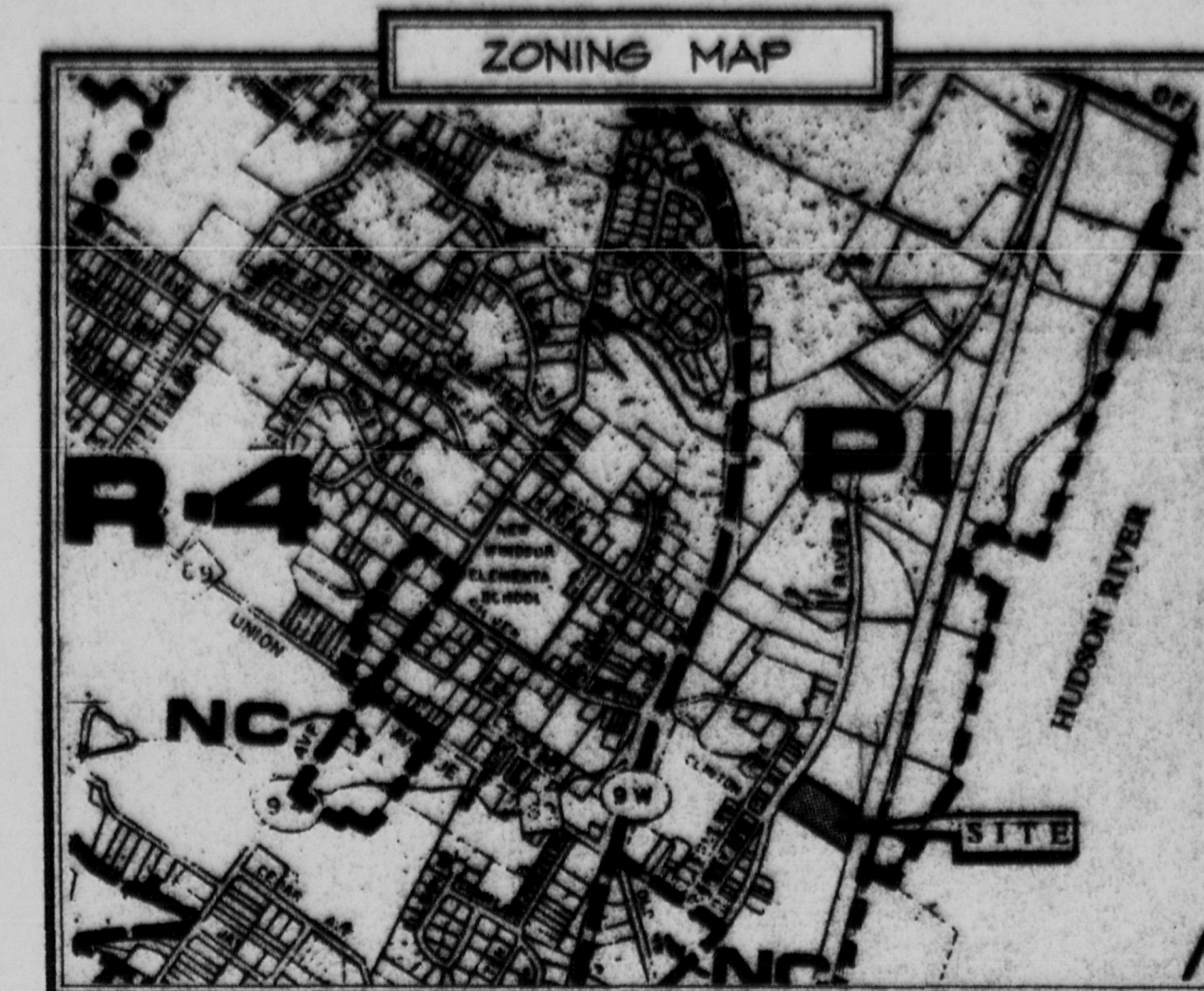
**DEMOLITION PLAN**  
SCALE: 1"=30'

NOTES:  
ALL ABOVE GROUND PIPING  
TO BE REMOVED.  
• DENOTES TO BE DEMOLISHED





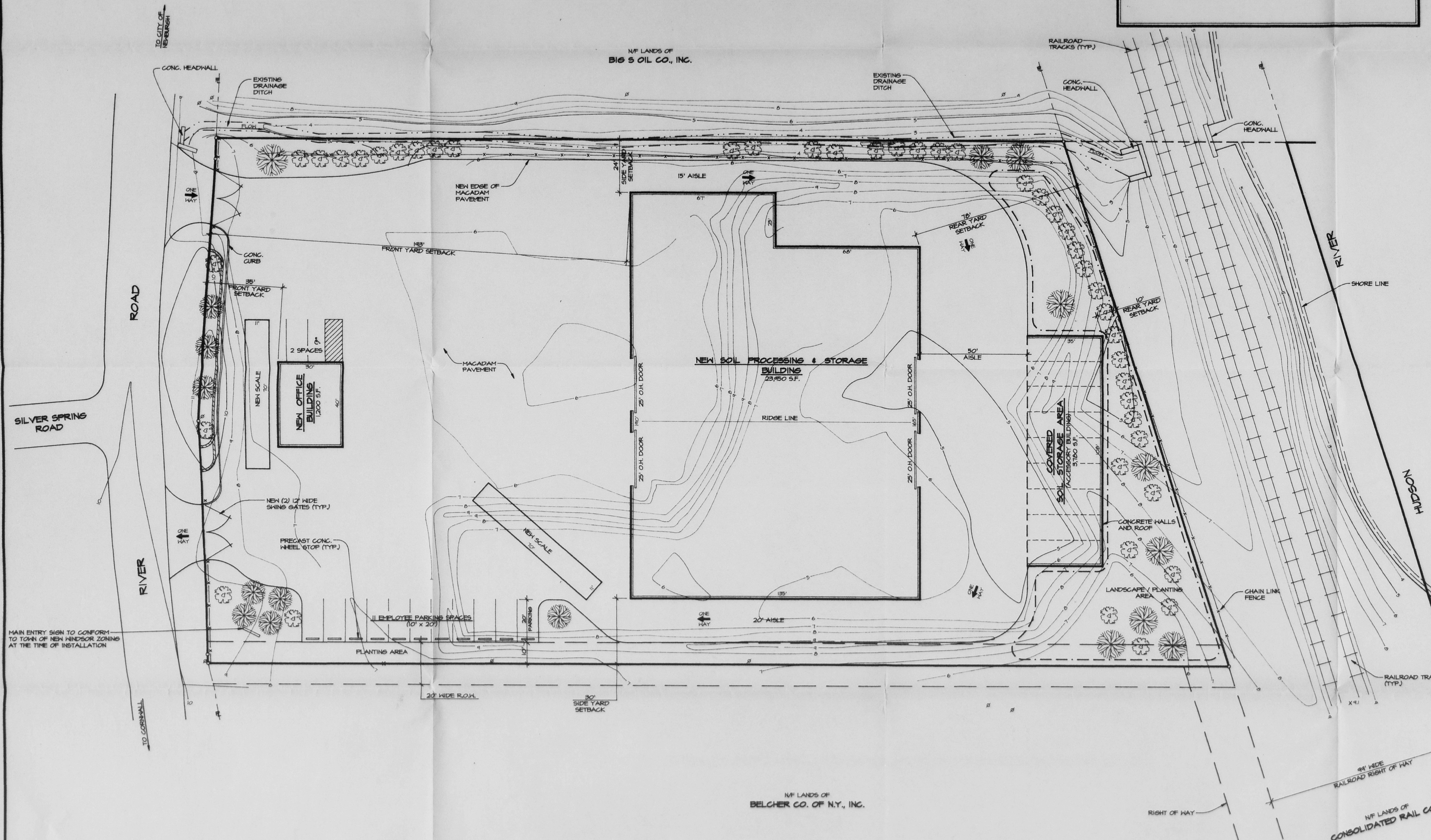
NOTES	
1. ZONING DISTRICT:	PI ZONE
2. RECORD OWNER:	CANADA OIL CORP. 1 VALLEY STREET HANTHORNE, N.J. 07806
3. RECORD APPLICANT:	IRA D. CONKLIN & SONS, INC. 42-44 STEWART AVENUE NEWBURGH, NEW YORK 12550
4. TOTAL PARCEL AREA:	PARCEL I: 2.41+ ACRES (107,535+ S.F.) WEST OF CONRAIL PARCEL II: 1.47+ ACRES (65,101+ S.F.) EAST OF CONRAIL 4.44+ ACRES (193,436+ S.F.)
5. TAX MAP DESIGNATION:	SECTION 9, BLOCK 1, LOT 4B
6. BOUNDARY, PLANIMETRIC AND TOPOGRAPHIC INFORMATION TAKEN FROM A MAP ENTITLED "BOUNDARY / TOPOGRAPHIC SURVEY, IRA CONKLIN & SONS" PREPARED GREVAS AND HILDRETH P.C. AND DATED SEPTEMBER 20, 1993.	



ZONING SCHEDULE		
ZONE PI - PLANNED INDUSTRIAL USE, IS		
BULK REGULATIONS PI ZONE	REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	107,535 S.F. (PARCEL I)
MIN. LOT WIDTH	150 FT.	245 FT.
FRONT YARD SETBACK	50 FT.	35 FT. #
SIDE YARD SETBACK (ONE)	15 FT.	24 FT.
SIDE YARD SETBACK (BOTH)	40 FT.	54 FT.
REAR YARD SETBACK	20 FT.	78 FT.
FLOOR AREA RATIO (PARCEL I)	0.60	0.21
MAX. BUILDING HEIGHT (6' / FT. OF MIN. DISTANCE TO NEAREST LOT LINE)		
NEW OFFICE BUILDING - (35 FT.)	17'-6"	17 FT.
SOIL PROCESSING & STORAGE BLDG. - (24 FT.)	12'-0"	51 FT. #
COVERED SOIL STORAGE AREA (ACCESSORY BUILDING)	15'-0"	15 FT.
# DENOTES VARIANCE REQUIRED BY THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS.		
COVERAGES:		
BUILDING COVERAGE % OF PARCEL I		28,930 S.F. 26.4 %
PAVEMENT COVERAGE % OF PARCEL I		56,542 S.F. 52.6 %
OPEN SPACE COVERAGE % OF PARCEL I		22,063 S.F. 20.5 %

PARKING SCHEDULE		
PARKING SCHEDULE:		
NEW OFFICE BLDG. 1200 S.F.		
SOIL PROCESSING & STORAGE BLDG. 23,950 S.F.		
COVERED SOIL STORAGE AREA BLDG. 5,180 S.F.		
		21,180 S.F.
OFFICE USE:		
1 SPACE PER 200 S.F. OF FLOOR AREA (1,200 S.F. / 200 S.F. PER SPACE)	REQUIRED 6 SPACES	PROVIDED 6 SPACES
SOIL PROCESSING & STORAGE USE:		
	7 SPACES	7 SPACES
	13 SPACES	13 SPACES
	TOTAL:	

LEGEND	
EXISTING	NEW
1' CONTOUR	FINISH GRADE
5' CONTOUR	WALL-PAK LIGHTING
BOUNDARY	HANDICAPPED PARKING SPACE
ADJ. PROPERTY LINE	MASONRY RETAINING WALL
UTILITY POLE	



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ISSUE	REVISION	DATE

Drawn By: J.R.J.	Checked By: G.J.S.	Scale: 1"=20'	Date:
FOR TOWN OF NEW WINDSOR PLANNING BOARD PURPOSES 8-16-1994			
AMENDED PARTIAL SITE PLAN			
Project: NEW FACILITY FOR I. D. C. SOIL RECLAMATION			
RIVER ROAD TOWN OF NEW WINDSOR, N.Y.			
Project No. 9311			